

1 TENNESSEE EMERGENCY COMMUNICATIONS BOARD
2 DEPARTMENT OF COMMERCE AND INSURANCE
3 500 James Robertson Parkway
4 Nashville, TN 37243

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6 P U B L I C M E E T I N G
7 January 13, 2005

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ACCELERATED REPORTING, INC. (615) 907-4755

1 BOARD MEMBERS:

2	RANDY PORTER	CHAIR
	WANDA MOODY	V. CHAIR

3	CHARLES BILBREY	MEMBER
4	IKE LOWERY	MEMBER
	FREDDIE RICH	MEMBER
5	MIKE TAYLOR	MEMBER
	KATRINA COBB	MEMBER
6	JOHNNY VICKERS	MEMBER

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STAFF MEMBERS

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	ANTHONY HAYNES	EXECUTIVE DIRECTOR
10	J. DON JOHNSON	AUDITOR
	LYNN QUESTELL	GENERAL COUNSEL

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A G E N D A

2

1. Report of the Executive Director 1-9

3

- a. Updates 9-16

4

- b. Action Items:

5

- i. Consider circulating initial discussion draft of proposed dispatcher training rules for comment and directing staff to schedule discussion roundtables throughout the state; 16-17

6

7

8

- ii. Consider requests for financial support for system upgrade by Scott and Fentress County ECD; 17-19

9

10

- iii. Consider expanding eligibility for rural dispatcher grant; 20-25

11

12

- iv. Consider resolution commending Tennessee congressional delegation for their efforts to secure passage of federal E-911 legislation; 26-31

13

14

- v. Consider offering assistance with routing costs to Bledsoe County ECD 33-51

15

16

2. Consider revisions to Phase I cost recovery plans of Sprint PCS 51-53

17

18

3. Report by Johnson County ECD 53-91

19

4. Consider request for additional assistance by Sequatchie County ECD 93-121

20

21

5. Consider request for increase to emergency telephone service charge by Unicoi County ECD 122-140

22

6. Consider request for increase to emergency telephone service charge by Grainger County ECD 141-151

23

7. Additional discussion on Sequatchie County 151-180

24

8. Charles Riggs discussion 180-187

25

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1 WHEREUPON, the following meeting was had:

2 CHAIR PORTER: We'll call the meeting to
3 order.

4 Let the record show that all the board
5 members are present except for Mr. Tom Beehan, and Tom
6 had a work conflict that was mandatory on him that he
7 couldn't be here so we'll excuse his absence.

8 I'd like to welcome everybody today to our
9 ECB meeting. One reminder for all of the board members
10 is is today is our first day that we're recording live
11 over the internet to our web page. I ask that each one
12 of you make sure that if you talk, pull down your
13 microphone and talk directly into it and we'll be
14 watching to make sure that we're getting a good
15 broadcast. If not, I may stop us and get us going
16 again.

17 If you're not talking in your mic, if you
18 would, make sure that if you're going to be saying
19 anything to your neighbor, why, make sure you've got
20 your mic pushed up because we'll get a lot of
21 background noise and you never know what the - what
22 might go across. So just a little caution there.

23 On our agenda today, we have a - we will be
24 taking the Marshall County ECD request - we'll be
25 postponing it until the March board meeting. Marshall

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1 County had - one of their board members was diagnosed
2 with cancer and had surgery yesterday, I think. One of
3 their other board members, the sheriff, his wife had to
4 have surgery yesterday or today. They've just had a
5 lot of things happen to them in just a short few days
6 and they asked if we'd postpone them until the March
7 meeting so we'll put them on the agenda for March.

8 Is there any other changes to the agenda
9 that we know of?

10 UNIDENTIFIED SPEAKER: No, sir.

11 CHAIR PORTER: Okay. We'll get started
12 with our first item on the agenda, and that's our
13 director's report from our Executive Director.

14 Anthony?

15 MR. HAYNES: Thank you, Mr. Chairman.

16 I'd first like to start off by reporting a
17 status report on Phase II implementation. In terms of
18 PSAP readiness, we only have one ECD that yet needs to
19 get online and that's Sequatchie County. And we've
20 been working a lot with its new director, Mike Twitty,
21 toward that end and he will be addressing the board a
22 little bit later this morning as one of his items.

23 We also are still working on the Hancock
24 County matter, the 65 lot residential line served by
25 Scott County Telephone Co-Op out of Virginia. The ECB

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1 general counsel is kind of making one last final effort
2 to resolve this matter with BellSouth regulatory
3 representatives here in Nashville versus Atlanta, and
4 if there is no resolution to the board's satisfaction
5 upon our efforts there, then the staff will just
6 continue to move forward as originally planned and
7 respectfully request intervention from the Federal
8 Communications Commission.

9 The carrier status is this week I was
10 notified by T-Mobile, who has been the last carrier
11 with - the last FCC Tier I carrier, the last one with
12 the national footprint to begin deployment in
13 Tennessee. They will begin deployment in the Memphis
14 market as early as next week, the Nashville markets the
15 following week, and probably will begin in the
16 Chattanooga markets in the next one and a half to two
17 months.

18 NTCH, doing business as Clear Talk, it
19 will be the last remaining carrier that had not begun -
20 or has not begun Phase II deployment, and unless my
21 information is incorrect, they are one of the handful
22 of carriers, tier-free carriers that are asking for an
23 FCC waiver to the FCC's location and accuracy
24 requirements.

25 Mr. Chairman, we were successful in

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1 having first ever congressional E-911 legislation
2 passed literally in the 11th hour - it was 11:00
3 o'clock of the very last night that congress met. This
4 legislation is the first ever technical and financial
5 assistance approved by the federal government - I
6 should say provided by the federal government - in
7 dealing with more than 10 years of wireless mandates
8 and definitely more than 20 years of wireline mandates
9 on the wireless and wireline industries, and at some
10 points and time during that time line, even local
11 governments, that being the PSAPs.

12 The legislation was only made possible
13 because of the efforts at the last minute by not only
14 Senator Burns but also Tennessee's Senator Alexander
15 and particularly Senator Frist. Senator Frist's staff,
16 particularly over in the leadership office of the
17 capital, put a tremendous amount of resources and
18 expended a tremendous amount of energy in not only
19 making this legislation possible but working with the
20 ECB staff and Senator Burns' staff to make sure that in
21 the last, at least a colloquy was inserted that will be
22 the - that will be the needed and necessary legislative
23 history so that states like Tennessee, Rhode Island and
24 others that are more than complete - more than 65, 70
25 percent complete with their Phase II deployment, that

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1 they would be eligible for the federal grant monies
2 provided for certain projects.

3 Originally the house of representatives'
4 version did not want to take that route and the White
5 House was originally opposed to the bill. But thanks
6 to the persistence of Senator Burns and Tennessee's 911
7 leaders, the National Emergency Number Association as
8 well as Senator Frist and Alexander, we were able to
9 turn that around in the last few months of the congress
10 and proceed in passage in the 11th hour of the last
11 night before congress adjourned its one hundred eighth
12 session.

13 So this morning on the agenda we will
14 have a couple of resolutions proposed for your
15 consideration, not only for the Congressional E-911
16 Caucus but then also, too, for the Tennessee
17 congressional delegation. And I will bring those up
18 under action items at a later point here in just a
19 moment.

20 The hearings that the state board had
21 across the State of Tennessee, looking at the status
22 and future challenges of E-911, were very successful in
23 my opinion. We heard testimony from well over 80
24 witnesses representing a cross section of stakeholders
25 of 911: the telecommunications industry - both wireline

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1 and wireless - emergency medicine, public safety - and
2 that included police, sheriffs and fire chiefs. We
3 also heard from local government officials, county -
4 county officials, city officials, as well as national
5 experts.

6 We will be summarizing that for - those
7 findings from the board through those hearings, the
8 testimony and the statements gathered, and we'll be
9 binding those here in the upcoming weeks and hopefully
10 we'll be able to provide that soon, not only to state
11 and federal policy makers that have an interest or at
12 least effective policies related to E-911.

13 I would like to defer at this moment - if I
14 could, Mr. Chairman, with your permission - to the
15 board's general counsel for an update on the AT&T
16 Wireless discrepancy over the board's policy of
17 double-dipping and the new owner of the company,
18 Cingular Wireless.

19 MS. QUESTELL: Thank you.

20 Just to give you a little bit of
21 background, at the January 15th, 2004 meeting, this
22 board unanimously voted to prohibit wireless carriers
23 from double-dipping: by seeking reimbursement for costs
24 that they were already charging or paying for under
25 their own self-imposed regulatory fees. The board at

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1 that time said: we will - we will give you a hundred
2 percent reimbursement but we are not going to be a
3 profit center. And the board unanimously decided upon
4 that.

5 AT&T Wireless, in March of 2004, appealed
6 that to an administrative law judge here in Tennessee
7 and we entered into a series of negotiations that were
8 not fruitful until AT&T merged with Cingular. And that
9 happened last November. In December, we reached an
10 agreement in which Cingular agreed with us that there
11 should be no double-dipping and they promised they
12 would do no double-dipping, and they withdrew AT&T's
13 appeal.

14 And we will then go ahead and provide them
15 with the reimbursement that had been awarded to AT&T
16 but adjusted so that there absolutely is no chance that
17 any of that money would be double-dipping money. So it
18 will be reduced.

19 And I just want to commend - publicly
20 commend Cingular for being very reasonable and for
21 being good corporate citizens about this issue.

22 CHAIR PORTER: That's great news, Lynn.
23 Thank you.

24 MR. HAYNES: Mr. Chairman, I would just add
25 to that that just to ensure that there is no overlap of

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1 those fees that - actually recovered costs versus what
2 they would be paid in cost recovery, there are two
3 mechanisms that the board has at its disposal that it
4 uses with all wireless carriers, first is the annual
5 true-up process in reviewing the annual costs and
6 expenditures of cost recovery that the carrier has.
7 That is one safety net to make sure that they're - that
8 things are getting paid for that should, and if we owe
9 the carrier more money, that's a process to make sure
10 that it happens. If the carrier has overcharged and
11 over collected, they return that money to us. So
12 that's one process.

13 The second process is the biannual audits
14 that is conducted by the independent auditor of the
15 company that the company has to have according to
16 Securities and Exchange Commission requirements. So
17 we've got two safety nets there just to make sure that
18 this so-called let's be safe range is certainly within
19 that range and adequate audit processes to make sure
20 that there is no effective double-dipping or
21 overpayment.

22 I'd like to move on, Mr. Chairman, and
23 talk and give you a little update on our dispatcher
24 slash emergency call taker standards. We have been
25 working with the board's technical consultant over the

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1 last few months since we have received a fine piece of
2 work from the board's advisory committee that was
3 originally put together on this matter and performed
4 their task. We have a document this morning that we as
5 staff feel comfortable is - is where it needs to be for
6 you to, for lack of a better term, authorize the staff
7 to distribute it to all effective parties in the public
8 safety community.

9 I would like to emphasize again for the
10 record that there is no enforcement. There are no
11 penalties in this. The law does not provide for such.
12 Basically it's guidance/it is standards, and although
13 this board is charged with that, it is not given
14 enforcement powers by law or any other authorities to
15 do anything such as a certification process or anything
16 more than what we're putting before you today.

17 But in the interest and good of the
18 order, what we would like to do is if you approve what
19 the staff has submitted before you this morning, number
20 one, we would like to immediately post that to the
21 website today. We would also begin mailing that to
22 ECDs as early as next week, as well as all effective
23 parties. We've already been in touch and working with
24 the respective public safety associations such as the
25 Tennessee Sheriff's Association, the Chiefs of Police

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1 Association and as well as the fire chiefs and working
2 with the state fire marshal's office here.

3 And what the staff would like to do is to
4 get your blessing to host a series of roundtables
5 around the state beginning in west Tennessee. And it's
6 an ambitious schedule but I think that it's one that's
7 doable because I think this matter has been out there
8 for a number of years, even before the board got its
9 hands on the matter, and I - I think that if - the
10 sooner that we can get something on the books, it shows
11 the broader public that the public safety community -
12 and I include 911 in that - is very serious about this.
13 And this is a starting point of a dialogue of where we
14 need to go, and we'll do a little bit as we go along in
15 terms of where we need to be.

16 But I would like to start with a series of
17 roundtables, hold one in each grant division of the
18 state, inviting not only 911 but also police, fire,
19 university police, anyone that could be potentially
20 affected by these regulations or that should be
21 interested in them, and use those roundtables as an
22 opportunity to not only explain the proposed
23 regulations - the proposed standards, but then also use
24 it as an opportunity to gather further feedback from
25 that community. That's exactly what we told them that

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1 we would do and I certainly have every intention of us
2 living up to that.

3 And then we would take what we gather from
4 those roundtables, bring those back to the board and
5 make the necessary changes to bring before you in the
6 March board meeting where we think the final march
7 should be. If you approve that, at that point you
8 could direct your general counsel to put those
9 immediately into the rule making process, which could
10 begin no earlier than April 1, and as has been mandated
11 by state law, follow a 45 day waiting period before
12 public rule making hearing is held.

13 We could meet that ambitious time line.
14 That could be done in mid May, and then that would
15 enable you at the May board meeting - which I think is
16 scheduled for May 26th - to approve, deny or redirect
17 staff to go back to work; and if you did approve it, at
18 that point the board's work would be done and it would
19 be transmitted to the Secretary of State's office for
20 clearance and approval by the Secretary of State and
21 the State Attorney General.

22 And the general counsel informs me that
23 that particular end of the process could be anywhere
24 between a couple of months to up to a year. But I
25 think it - it's important to note that these are very

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1 simple standards - they're more or less guidance - and
2 so unlike having volumes of technical standards that
3 could take a long time to decipher and understand,
4 these are pretty simple and straightforward. So I
5 would think that the Secretary of State and Attorney
6 General shouldn't have too much problem in trying to
7 move - move through it and get these things finalized.

8 So at that point, Mr. Chairman, that
9 includes my oral report. And what I would like to do
10 with your permission is move to the action items that
11 staff proposed.

12 CHAIR PORTER: General counsel?

13 MS. QUESTELL: Just want to interject that
14 we have some hard copies, if the board agrees that we
15 can distribute them, that you can take home with you
16 today even, and they will be on the website.

17 CHAIR PORTER: Thank you.

18 MS. QUESTELL: Thank you.

19 MEMBER TAYLOR: Mr. Chairman, if it would
20 be appropriate, I'd like to move that we follow the
21 plan set forth by the executive director. Excuse me.

22 CHAIR PORTER: Do I have a second?

23 MEMBER COBB: Second.

24 CHAIR PORTER: I have a motion by Mr.
25 Taylor and a second by Ms. Cobb that we approve the

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1 executive director's request for the dispatcher
2 standards to be put out on the internet and a hard
3 copy, and that he set up roundtable discussions across
4 the state with all the emergency service agencies and
5 get their input and then try to follow the time table
6 which you set forth to get it back to us.

7 Is there a discussion?

8 (Pause)

9 CHAIR PORTER: Hearing none, all in favor
10 say aye.

11 THE BOARD: Aye.

12 CHAIR PORTER: All opposed like sign.

13 (Pause)

14 CHAIR PORTER: Motion carried.

15 MR. HAYNES: Thank you, Mr. Chairman.

16 These - anyone that's familiar with the
17 APCO suggested standards, these will come as no
18 surprise. So those in the audience that are big fans
19 of APCO, I think a lot of this stuff will probably look
20 very familiar to you. And we will have these copies
21 available during the break; we'll put them back on one
22 of the tables so the people in the audience will be
23 able to get their hands on them.

24 The second action item, Mr. Chairman, is we
25 had requests for financial support for 911 system

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1 upgrades by both Scott and Fentress Counties. During
2 the November board meeting, our board unanimously voted
3 to maintain its practice of providing smaller districts
4 with funding of up to about \$40,000 in reimbursements
5 for system or controller upgrades.

6 Scott County ECD, one of our Tier IV
7 districts, is requesting financial support to -
8 financial support to upgrade its control - TCI
9 controller, which is currently operating under the old
10 dos platform. They would like to upgrade to a
11 TCIN-Vision II platform, which will cost approximately
12 \$52,000, and are requesting \$40,000 from the board.

13 Likewise, Fentress County, Tier V district,
14 is requesting 40,000 to change out its 911 system which
15 has been discontinued by its producer, Motorola, and
16 the company, Motorola, will no longer provide
17 technical support for the system. So the staff would
18 place these two items for your consideration before you
19 this afternoon.

20 CHAIR PORTER: You've heard the request of
21 staff. Do I hear a motion?

22 MEMBER LOWERY: So moved.

23 CHAIR PORTER: I have a motion by Mr.
24 Lowery and --

25 UNIDENTIFIED SPEAKER: Second.

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1 CHAIR PORTER: -- to approve the two
2 requests by Scott County and Fentress County for the
3 same thing that we've given to the other counties of
4 \$40,000.

5 Discussion.

6 MEMBER MOODY: One question: I believe in
7 the past, Anthony, haven't we required that they submit
8 invoices on those?

9 MR. HAYNES: Ms. Moody, thanks for bringing
10 that up.

11 For the record, any money that goes out of
12 the state board for wireless carrier reimbursement or a
13 district not only has to have sworn - and now we're
14 requesting original invoices, not copied - but also a
15 signed certification validating such from - from the
16 submitter.

17 MEMBER MOODY: So we will be doing that for
18 both of these.

19 MR. HAYNES: That is correct.

20 MEMBER MOODY: Okay.

21 CHAIR PORTER: Any other discussion?

22 (Pause)

23 CHAIR PORTER: Hearing none, all in favor
24 say aye.

25 THE BOARD: Aye.

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1 CHAIR PORTER: All opposed like sign.

2 (Pause)

3 CHAIR PORTER: Motion carried.

4 MR. HAYNES: Mr. Chairman --

5 CHAIR PORTER: Next item.

6 MR. HAYNES: -- the next item is regarding
7 rural dispatcher assistance grant. During our hearings
8 that I mentioned across the state, a number of
9 witnesses came forward that had mentioned how helpful
10 this rural dispatcher assistance grant was. It was
11 clear by some of the testimony that this grant is
12 clearly a success and helps a number of counties that
13 otherwise would have significant financial struggles in
14 meeting the bottom line by the end of the fiscal year.

15 We have also received a number of comments
16 questioning why some other clearly rural districts
17 throughout the state are not eligible in a grant, and
18 it's one of those things, I guess, Mr. Chairman, that
19 as much as you try to help people, there's always some
20 you might overlook. At least that's the way the staff
21 would summarize it.

22 So at this time, the staff has spent
23 considerable work over recent weeks about this and
24 looking at various census data statistics and trying to
25 come up with good and firm indicators who is rural in

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1 this state and arguably who is not. And what we've
2 done is that - or what we will do this afternoon is
3 propose to broaden the selection criteria by making
4 districts eligible that have populations of 50,000 or
5 greater and a percent rural population of 40 percent or
6 more. This would make a total of 76 counties, and
7 there's a question of whether or not one city district
8 would be included in that as opposed to currently 42
9 districts that are eligible under the present criteria,
10 although all 42 have not applied as of this date.

11 The total current outlay for the grant
12 program is 1.5 million annually, which has already -
13 which has been built into the budget, and the grant
14 authority from finance administration is limited to
15 five years. The proposed revision would increase the
16 total annual outlay to 2.31 million.

17 I would just add, I was speaking with Susan
18 Madsen (phonetic) working on the TASCIR study
19 yesterday, and one of the things she brought to my
20 attention was a compilation that the comptroller's
21 office had done on different data, but I think arrived
22 pretty much in the same neighborhood that if you were
23 to look at urban, urban/suburban and then I think it
24 was suburban/rural and rural counties, that the number
25 of rural and rural/suburban counties total up to --

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1 Don, what was it, about approximately 75
2 counties?

3 MR. JOHNSON: Yes.

4 MR. HAYNES: So it's - and we're checking
5 to see how many of those compliment ours.

6 What we did, we went with US Census data
7 that was provided to us by the Department - friends of
8 mine at the Department of Agriculture, Economic
9 Research Service, Dr. Marvin Duncan, and so I'm very
10 confident --

11 And when I looked at the list, Mr.
12 Chairman, I looked at it from two ways. I tried to
13 look at it from a statistical standpoint but I also
14 tried to look at it based on my knowledge of certain
15 Tennessee counties: are they a rural county, are they a
16 suburban county and contain all the resources thereof,
17 or are they obviously more of an urbanized county? And
18 I'm confident that we have done about the best job at
19 staff level with the resources we have and the data we
20 have available to give you an honest assessment who we
21 think should be eligible for this rural dispatcher
22 assistance grant and who arguably has greater resources
23 that so many other counties and districts do not have.

24 So at this time the staff would propose
25 expanding that eligibility based on the criteria we

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1 just submitted to you. And we'll be glad to answer any
2 questions you might have on it.

3 MEMBER RICH: Anthony?

4 MR. HAYNES: Yes, sir.

5 MEMBER RICH: I believe you just said again
6 50,000 or greater.

7 MR. HAYNES: That's right, pop - county
8 populations --

9 MR. JOHNSON: Or less.

10 MR. HAYNES: I'm sorry, 50,000 or less,
11 and a rural population of 40 percent or greater
12 according to US Census data.

13 MEMBER RICH: Right. I believe you sent us
14 a revised --

15 MR. HAYNES: I apologize for that.

16 MEMBER RICH: I appreciate you trying to
17 (inaudible).

18 MS. QUESTELL: Mr. Chairman, if you
19 wouldn't mind, I think our court reporter is having a
20 little bit of trouble identifying the speakers and
21 hearing us. I think they just turned up the
22 microphones, but --

23 CHAIR PORTER: Did that help?

24 MS. QUESTELL: -- but if people will please
25 identify who they are before they start speaking, that

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1 would be very helpful.

2 CHAIR PORTER: Every time?

3 THE REPORTER: No.

4 MS. QUESTELL: No? Okay. Thank you.

5 CHAIR PORTER: Okay. You've heard the

6 request from staff that we approve the - basically the

7 expanding of the rural dispatcher grant.

8 Do I hear a motion?

9 MEMBER COBB: I so move.

10 CHAIR PORTER: Ms. Cobb makes a motion. Do

11 I have a second?

12 MEMBER VICKERS: Second.

13 CHAIR PORTER: Johnny second.

14 Any discussion?

15 (Pause)

16 CHAIR PORTER: I will say that out of all

17 the - this going around to these regional meetings,

18 that this is probably the most popular thing that ECB

19 has ever done is these rural dispatcher grants. And

20 there's some of these small counties, if it hadn't been

21 for this 30,000 dispatcher grant, may have not

22 survived; we'd have had them as a distress county. But

23 it's made a world of difference, and I hear that

24 everywhere I go across the state. So I'm glad to see

25 that we're expanding this and going to help some more

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1 counties.

2 No discussion?

3 (Pause)

4 CHAIR PORTER: All in favor say aye.

5 THE BOARD: Aye.

6 CHAIR PORTER: All opposed like sign.

7 (Pause)

8 CHAIR PORTER: Motion carried.

9 MR. HAYNES: Mr. Chairman, just one
10 follow-up item on that.

11 I appreciate the board's support for that
12 and I know this is - no effort that government makes,
13 regardless of the government or what the effort is is
14 going to be totally perfect and be all things to all
15 people and always taken the same way, but I do
16 appreciate the board's support.

17 My motivation, Mr. Chairman, as you know
18 early on for trying to look for opportunities like
19 this, the state's funding scale of 911 districts,
20 staff's opinion, it just - there needs to be some sort
21 of overhaul or revamping of that. It's just not fair
22 to rural districts, I don't think.

23 And I'll give you an example. We took a
24 hundred dollar bill and ran it through the state's
25 funding formula to 911 districts and Shelby County gets

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1 \$16 of that \$100. If you go on down to about Putnam
2 County - your county, Mr. Chairman - you get \$1.09.
3 And if you go on down to the county's smallest county,
4 Van Buren County, they get just a little less than a
5 dime, point 96 cents. And I don't think that the
6 people in Van Buren County are any less important than
7 the people in Shelby County. I know Shelby County's
8 got more people but there are also more landlines
9 there. There are lots more of opportunities to bring
10 in money.

11 And I'm not saying that we ought to steal
12 money from Memphis and send it to Van Buren County, but
13 what I'm saying is we've got a great rural disparity
14 here and this grant, I think, in absence of change of
15 the law is the best job that this board can do to try
16 to help that situation. And so until there is an
17 overhaul of state laws affecting funding of 911 in
18 Tennessee, I am confident that we have served the board
19 well in trying to look within your authorities what you
20 can do to help this and try to bring some sort of
21 equity in this situation given what limited authorities
22 and powers the law gives you to act. So I appreciate
23 the board's support in that.

24 The next item, Mr. Chairman, is
25 consideration of a resolution commending the Tennessee

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1 congressional delegation as well as the E-911 caucus
2 for their efforts to support passage - or secure
3 passage of federal E-911 legislation. And at this
4 time, we've broken those out in two resolutions, and I
5 would like for the general counsel, if she would, to
6 read both of those for your consideration at this time.

7 MS. QUESTELL: Thank you.

8 Resolution: whereas the Tennessee Emergency
9 Communications Board applauds the passage of the quote
10 "Ensuring Needed Help Arrives Near Callers Employing
11 911," called the ENHANCE 911 Act of 2004, which will
12 provide long-overdue support to states and localities
13 for E-911 implementation, and whereas due in large part
14 to the efforts of Tennessee's congressional delegation,
15 states such as Tennessee that have made substantial
16 strides in E-911 deployment are eligible for the
17 support provided in the ENHANCE 911 Act, and whereas
18 Tennessee will be equally eligible for the support
19 provided in the ENHANCE 911 Act, notwithstanding its
20 leadership in E-911 deployment, be it resolved that the
21 Tennessee Emergency Communications Board hereby
22 commends the Tennessee congressional delegation for its
23 efforts to assure Tennessee's eligibility for the
24 support provided in the ENHANCE 911 Act of 2004,
25 particularly the efforts of Senator Lamar Alexander and

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1 Representative Bart Gordon.

2 Be it further resolved that the Tennessee
3 Emergency Communications Board offers special thanks
4 and commendation for the efforts of Senator Bill Frist
5 and his staff whose work to ensure the passage of this
6 vital legislation in the final hours of the One Hundred
7 Eighth Congress, second session, and assured
8 Tennessee's equal eligibility for the support provided
9 in the legislation, went above and well beyond the call
10 of duty.

11 That's the first resolution for the
12 Tennessee congressional delegation.

13 This is the second resolution which would
14 be for the Congressional E-911 Caucus: whereas the
15 members and leadership of the Congressional E-911
16 Caucus have championed the goal of a seamless
17 nationwide E-911 network through their efforts to
18 assure the passage of the "Ensuring Needed Help Arrives
19 Near Callers Employing 911, (ENHANCE) 911" Act of 2004,
20 as part of the telecommunications package H.R. 5419,
21 and whereas the E-911 Caucus had the vision to propose
22 the first ever national office to monitor the nation's
23 E-911 implementation and operations, providing state
24 and local E-911 agencies with a center for best
25 management practices and launching a long-overdue grant

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1 program to assist with the implementation of E-911, and
2 whereas this national office will serve as the voice
3 and advocate of E-911 within the federal government,
4 calling attention to needed action by the president,
5 congress, the FCC, as well as private and non-profit
6 interests, and whereas the tireless actions and efforts
7 of the E-911 Caucus leadership and members will
8 ultimately save lives, make America's communities safer
9 and advance our nation's homeland security.

10 Be it resolved that the members of the
11 Tennessee Emergency Communications Board, on behalf of
12 the thousands of local E-911 and emergency responders
13 and the millions of Tennessee citizens they serve,
14 hereby commend the E-911 Caucus for its efforts to
15 assure passage of the ENHANCE 911 Act of 2004.

16 CHAIR PORTER: You've heard the request of
17 staff to approve these two resolutions. Do I hear a
18 motion?

19 MEMBER VICKERS: So moved.

20 CHAIR PORTER: Johnny.

21 Do I have a second?

22 MEMBER COBB: I'll second.

23 CHAIR PORTER: Ms. Cobb second.

24 Any discussion?

25 MEMBER TAYLOR: Mr. Chairman.

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1 CHAIR PORTER: Yes.

2 MEMBER TAYLOR: I think we also need to
3 mention publicly the great work done by our executive
4 director --

5 CHAIR PORTER: I agree.

6 MEMBER TAYLOR: -- on our behalf. He did
7 just a truly outstanding job. We're indebtedness, all
8 Tennesseans. Thank you, sir.

9 CHAIR PORTER: I agree. He made us proud,
10 there's no doubt, him going to Washington. Of course,
11 Anthony had a - he took a big stick with him though.
12 He'd been in Washington for all those years and he knew
13 how it operated up there, and in talking to some of the
14 other folks, if it hadn't been for Andy, I don't think
15 they'd ever got it through.

16 Now I really - and I'm not bragging on him
17 just because he's sitting here, but he really done a
18 great job.

19 And I appreciate you bringing that up,
20 Mike. Thank you.

21 Any other discussion?

22 (Pause)

23 CHAIR PORTER: Hearing none, all in favor
24 say aye.

25 THE BOARD: Aye.

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1 CHAIR PORTER: All opposed like sign.

2 (Pause)

3 CHAIR PORTER: Motion carried.

4 You can quit blushing down there.

5 MR. HAYNES: Mr. Chairman, I appreciate the
6 commendation of the board, but as the old saying goes:
7 victory has a thousand fathers; I just happen to be
8 999. I was just glad to be part of the crowd so --
9 There's a lot of people pulling on that, team
10 leadership and all, and I - it was certainly a joint
11 effort. I was just lucky to be a part of the group.

12 Mr. Chairman, unless there's opposition,
13 what I would like to do is to not only forward these
14 resolutions to the appropriate members of the
15 congressional delegation and caucus, but I'd like to -
16 I'd like to, number one, encourage local 911 districts
17 to adopt similar resolutions. They need to hear from
18 the state's local 911 community because when it's all
19 said and done, that's what this is about. That's what
20 the state board's about, that's what Senator Frist's
21 and the colleagues' efforts were about. It's really
22 what the national office in Washington is going to be
23 about: it's about local 911.

24 So I'd like to encourage them to send
25 letters of thanks as well as resolutions - and there

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1 are a number of 911 directors, and an attorney here
2 this morning that can help see that happen, and I would
3 personally appreciate it if y'all could do that.

4 Secondly, I would like for the board to
5 present a couple of plaques to the delegation members
6 from Tennessee and I would like to possibly have one to
7 be able to present to Senator Frist when we go up for
8 the NENA meetings in Washington in February, either at
9 the 911 banquet that night, but maybe -- So there's a
10 Tennessee - Senator Frist and Senator Alexander every
11 Tennessee (sic) morning have a - I think it's Tuesday
12 mornings; it might be on Wednesday. They call it
13 Tennessee Tuesdays or something like that. But it's a
14 breakfast for all that - from Tennessee that happen to
15 be in town and they come and welcome people and put on
16 a breakfast for them. So I would like to present some
17 plaques to them at that time and show them how much we
18 appreciate their efforts, if that's okay.

19 CHAIR PORTER: Do you need a motion?

20 MR. HAYNES: I don't but it's just
21 (inaudible).

22 CHAIR PORTER: Any disagreement with the
23 board?

24 (Pause)

25 CHAIR PORTER: It looks like you got it.

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1 MR. HAYNES: Thank you, Mr. Chairman.

2 The - I would also like to - at this time I
3 would like to bring up a matter regarding Bledsoe
4 County, Tennessee, but it just does not affect Bledsoe
5 County because my request is not - it's going to affect
6 Bledsoe immediately but I would like to take it in part
7 and then expand that across the state on a case by case
8 basis where these instances might exist.

9 The staff is growing increasingly concerned
10 about the number of incidents across the state where
11 citizens placing calls to 911 within a county are
12 transferred to a PSAP in another county and then
13 transferred back to the PSAP in the county where the
14 call originated. It's obvious to anybody about this
15 that this approach adds time, it increases the chance
16 for human or - error or system failure, and it delays
17 response in getting to where it needs to go. And in
18 the 911 business, seconds are literally like hours.

19 To the staff's knowledge, this is only
20 occurring where multiple telephone providers serve
21 within a county. And these origins date back - date
22 back to E-911 development back in the early 1980s and
23 1990s, it's not something that was just done recently.
24 But the technology's become more and more available and
25 the cost of providing that fix is becoming more and

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1 more doable and - and needable.

2 And what I would like to do is, take
3 Bledsoe County for existence - for instance: this
4 situation has 90 BellSouth lines in Bledsoe County.
5 They're currently being transferred, my understanding,
6 from the county executive to Rhea County, then back
7 again to Bledsoe County. And although everyone's been
8 a real good citizen and interested in public safety, in
9 taking those calls and getting them back to the right
10 place - and I know a lot of time and agreements have
11 been made - I've spoken with Bledsoe's County Mayor,
12 Greg Ridley (phonetic) and he has committed that he
13 would personally try - urge and try to get the local
14 911 district there, that if the state board were
15 willing to assist with the nonreoccurring (sic)
16 implementation cost of correcting this situation - and
17 this would require a couple of trunks, their activation
18 fee, a couple of modems and a couple of interface
19 cards - that they would be willing - he would work to
20 see that they would be willing to deal with the
21 increased monthly reoccurring (sic) cost, which to them
22 would go from about \$89 a month to \$130 a month. And I
23 get these statistics from BellSouth.

24 This would not only better serve the
25 residents in Bledsoe County but arguably improve -

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1 to answer any questions you may have.

2 CHAIR PORTER: You've heard the
3 recommendation of staff. Do I hear a motion?

4 MEMBER BILBREY: Can I ask one question?

5 CHAIR PORTER: Mr. Bilbrey.

6 MEMBER BILBREY: Do we have any idea of how
7 many there are out there, Anthony?

8 MR. HAYNES: No, sir.

9 CHAIR PORTER: I can tell you of about 10
10 right off that I know of personally myself.

11 MEMBER BILBREY: Do you know how many
12 people that represents overall roughly (inaudible)?

13 CHAIR PORTER: Most cases - most cases it's
14 probably anywhere from 75 to 250 residents. It could
15 be a few more; it could be a few less but that's
16 probably an average.

17 MEMBER BILBREY: I'll make the motion.

18 CHAIR PORTER: Do I have a second?

19 MEMBER TAYLOR: So moved.

20 CHAIR PORTER: Motion by Mr. Bilbrey,
21 second by Mr. Taylor that we approve the staff to do
22 the Bledsoe and also any others that exist.

23 One thing I'd like to mention though -
24 Anthony, we had talked about this a little bit -
25 the nonrecurring costs may not be the largest cost out

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1 of this thing, it's the monthly recurring. I know
2 there's some counties around me that it was going to
3 cost \$5000 a month for 123 customers to be routed back
4 to their appropriate county. And they might could have
5 paid the 5000 initial cost but 5000 monthly would be
6 the problem. So are we approving him to do both
7 recurring and nonrecurring if needed be?

8 MEMBER BILBREY: I think the Bledsoe is
9 agreeing to accept the cost. Now I would expect -
10 expect the others to do the same thing. If they don't,
11 then we've got a different situation.

12 MR. HAYNES: The staff wasn't proposing
13 what you've proposed, Mr. Chairman, the staff is only
14 proposing dealing with the nonreoccurring (sic) costs
15 and hoping that the argument could be made that the
16 reoccurring (sic) costs - if I might use the
17 terminology that Mayor - or characterize what Mayor
18 Ridley said, and I agree with, is that: well, that's
19 something that ought to be built into a PSAPs budget if
20 they're charged for taking those calls. Now if that
21 causes a financial strain, maybe we need to address
22 that on a separate - separate parallel going to the
23 state board but --

24 CHAIR PORTER: Well, then other than --

25 MR. HAYNES: Rate increase or whatever

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1 but --

2 CHAIR PORTER: Other than Bledsoe, the
3 other counties, unless the costs have dropped, they're
4 going to be 5000 a month plus, and we already know
5 that, unless the costs have come down in the last few
6 years because we've looked at it constantly since 1991
7 when we started doing this and so --

8 Let me - you're going to - you're going to
9 be right back with us, unless you want to bring them
10 back. I mean, I'm just trying to help get the problem
11 solved before --

12 MR. HAYNES: Well, what - let me try to
13 simplify this a little bit. Why don't I propose to the
14 board this afternoon then, dealing with the Bledsoe
15 County matter as a case in point, dealing with that
16 particular case - and that'll be a straight up or down
17 vote for you - and take a few months working with the
18 technical consultant, various telephone companies
19 around the state, and we'll find out to what extent
20 this problem does exist.

21 I think it's a problem. It may not be a
22 problem to emergency service personnel. I look at it
23 as a taxpayer. If I'm paying taxes in Gibson, Benton
24 or Tipton Counties, I want them getting my call and I
25 want them coming to me as soon as they can. And I've -

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1 I have witnessed in Carroll County when I visited the
2 PSAP, I have witnessed a transfer call go through, and
3 Teresa Barksdale and I just looked at each other and
4 says: you know, that doesn't look that long standing
5 here looking at the call and playing it back, but to
6 that caller it had to be a lifetime. And it was also:
7 thank God nothing happened during that call that caused
8 us to lose the call or the call to be interrupted on
9 the infrastructure in some way.

10 So I just - right now, this board
11 arguably has the resources to try to fix this problem
12 that's more than 20 years old. It wasn't created by
13 one person, one telephone company or one county; it's
14 just the way it happened. And with your blessing, I'd
15 like to try to get that - staff would like to try to
16 get our arms around this thing and figure out how big a
17 problem we've got and see if there's a way we can fix
18 it.

19 MEMBER BILBREY: Okay. Let me - if he
20 agrees on the second, let me back up and say I make the
21 motion for Bledsoe.

22 And how long do you think it's going to
23 take? We want every call to be answered directly now.
24 We don't want anymore bad publicity and all that.

25 CHAIR PORTER: I agree with you, Charles,

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1 and that's what I was saying: I'm behind this a hundred
2 percent. We've been trying to fix this for years but
3 you've got a little county the size of Pickett or
4 Jackson or little bitty counties, they can't afford
5 \$5000 a month to transfer 123 calls.

6 MEMBER BILBREY: But the quicker we get
7 it - you know, get the information, the better off we
8 are, but let's go with Bledsoe now. I make that motion
9 for Bledsoe.

10 MR. HAYNES: And for staff to gather --

11 MEMBER BILBREY: And then come back as soon
12 as they can with a solution otherwise.

13 CHAIR PORTER: Are you okay with that,
14 Mike?

15 Then the motion will be for to go ahead and
16 approve for Bledsoe and for staff to gather information
17 about all the other counties in Tennessee that might be
18 affected and try to put some costs together and bring
19 them back to another board meeting.

20 MEMBER BILBREY: That's correct.

21 CHAIR PORTER: Okay. Any other discussion?

22 (Pause)

23 CHAIR PORTER: I think it's a great thing
24 we're doing. We've been trying to fix this for years.
25 And for some of the folks that are on BellSouth or

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1 Sprint where they're on selective routers, this may not
2 be an issue, but I know it is for a lot of the other
3 counties. And we had an issue this morning in Fayette
4 County that they're hooked to two different selective
5 routers that it's a problem so hopefully this will fix
6 them.

7 MR. HAYNES: (Inaudible)

8 CHAIR PORTER: Right, it came up all of a
9 sudden.

10 All in favor say aye.

11 THE BOARD: Aye.

12 CHAIR PORTER: All opposed like sign.

13 (Pause)

14 CHAIR PORTER: Motion carried.

15 Next item, Anthony.

16 MR. HAYNES: Mr. Chairman, I have two more
17 items I'd like to bring up. The first one is just more
18 or less some comments but it's more or less directed to
19 the 911 districts. And I have seen an increasing
20 amount of PSAPs and 911 district and district directors
21 that are doing something very admirable, and that is
22 trying to address and be prepared for the increasing
23 occurrences of nonEnglish speaking callers to 911
24 throughout a number of counties throughout the State of
25 Tennessee, not just the metropolitan areas. They are

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1 doing this in any number of ways from taking classes
2 themselves and trying to - trying to hire dispatchers
3 that are arguably fluent in those languages to also
4 do - making a greater use of the AT&T interpretation
5 lines.

6 What I would like to do more so this
7 morning just from a personal standpoint is urge a
8 little bit of caution to 911 districts in this, and
9 that is - and I - and I wouldn't have any knowledge of
10 this if I didn't marry into a family that had spent so
11 much of its life abroad doing foreign service work in
12 Latin America, and my entire family, including my wife.
13 There is - and my mother-in-law actually is a linguist
14 so I really get lectures on this.

15 But there's more than just Spanish speakers
16 coming out of Latin America, there are other languages,
17 but also, too, just as there are different uses of
18 words and terminology in the English language
19 throughout the United States, it especially exists
20 through Central and South American countries. And just
21 to know Spanish or just to take a few courses or try to
22 be fluent in it doesn't necessarily - it - well, my
23 fear is it can give you a false sense of security.

24 Because for instance, I'll take the English
25 language. You can be - we get a number of British

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1 travelers through Tennessee because of the music
2 industry here and some of the music houses having
3 British ties. If someone were to call 911 here in
4 Nashville and someone were hired out of a rural area
5 and they said: I have a kid stuck in a boot, well, the
6 person's probably going to think it's a prank call.
7 Anyone from England knows there's a kid stuck in the
8 trunk. They call the trunk the boot over there.

9 And that's just a crude example of what
10 exists throughout Latin America and the different -
11 different accents and the different way things are
12 said. And I guess what I'm - I'm asking this morning
13 are 911 directors across the state, as we are dealing
14 with the challenges of a diverse - increasing
15 diversified population here and a greater number of
16 Latinos coming to Tennessee that have different aspects
17 of the Spanish language, let's don't get too confident
18 that we're experts in Spanish and let's encourage our
19 dispatchers to use those interpretation lines. Let's -
20 let's rely on a lot of street smarts but let's by no
21 point get very comfortable and to the point that we're
22 just relying on our own skills or the skills of our
23 employees because there's really an opportunity there
24 for people to be over-confident in understanding a
25 language or what it means.

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1 And I can't understand half the time what
2 callers in Nashville, Tennessee are saying when I hear
3 the 911 tapes broadcast on TV, and I was raised as an
4 English speaker. I can't imagine what that would be if
5 that were in a different language. And there are a
6 number of different languages present in Tennessee than
7 just Spanish so --

8 I'm going to get hit over here by general
9 counsel if I belabor the point, but it's something that
10 I feel pretty strongly about because I see it in an
11 increasing occurrence, and I just want to make sure
12 that in our efforts to try to do the right thing in the
13 initiative that 911 directors and employees have taken,
14 that they - that they don't let that work - work to
15 their disadvantage.

16 The last item I have, Mr. Chairman, regards
17 potential legislation from the Tennessee Municipal
18 League. On December 1st at our hearing here in
19 Nashville, a lobbyist from the TML informed the group
20 in the room that the association's board of directors
21 had just recently adopted and directed their staff to
22 seek legislation this next session to require more city
23 mayors be appointed to the local ECD Boards. I want to
24 point out for the record - and I discussed this with
25 him last night and he knows that I'm going to say this,

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1 and I think he wanted me to: our own board member here,
2 Tom Beehan, who sits on the Tennessee Municipal League
3 board of directors had no - had no knowledge of TML
4 board of directors taking this action prior to its
5 adoption. He was actually out of state in
6 Indianapolis, I think, awaiting the rest of the TML
7 crowd to come up to the National League of Cities
8 meeting up there. And he also told me it didn't appear
9 on their agenda either, and that's why he was
10 completely caught by surprise or he would at least had
11 some - at least try to have some communications going
12 between not only the state board but the broader 911
13 community as well as the TML.

14 Mr. Beehan and I talked last night, and one
15 of the things that he initiated and he suggested: that
16 he wanted to get me and the executive director together
17 at the TML as early as next week to try to talk about
18 some of these issues and have a better understanding
19 and communication about what some of their interests
20 are and the pros and cons from both our particular
21 perspectives of legislating such a matter.

22 So I told him I was always open. I said:
23 this caught us completely by surprise or I'd have
24 already been over there trying to provide as much
25 information and be as big a resource as I have.

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1 So the reason I bring this up this
2 morning - I know all the board knows about this issue
3 from the hearing, but we will receive from the
4 governor's office no later than probably mid to late
5 February - if TML introduces this legislation, Governor
6 Bredeson will ask us: are we for it or against it or do
7 we want to defer? And I have always brought matters of
8 legislation before this board and I always will,
9 whether I think they will come out the way I personally
10 agree with or they don't, and I'm not going to stop
11 doing that now. So with that - so we can prevent
12 calling an emergency board meeting just to deal with
13 that one issue, like we've had to do with some
14 legislation in the past, I would like a little bit of
15 guidance from the board of where you think we should be
16 on this issue and then whatever you determine, I will
17 reflect that accordingly when Governor Bredeson asks
18 for our formal position on it.

19 CHAIR PORTER: You've heard the request
20 from the staff.

21 MEMBER TAYLOR: Mr. Chairman.

22 CHAIR PORTER: Mr. Taylor.

23 MEMBER TAYLOR: I can tell you that
24 Tennessee County Service Association is vigorously
25 going to oppose this proposed legislation.

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1 CHAIR PORTER: That's good. I - I was
2 hoping I wasn't the only one that had a problem with
3 this.

4 Ms. Moody, you want to?

5 MEMBER MOODY: Yeah, it seems to me like
6 there are two issues here. Number one is I question
7 the advisability of the legislature trying to dictate
8 some of those things back to the local level. To me
9 that's an issue.

10 And then I think secondly, in view of the
11 fact that TACIR is doing the study that they're
12 currently doing and it's anticipated that it will be
13 out - the results of it and their recommendations will
14 be out in April of two-oh-six, that I just wonder if,
15 in terms of any legislation during the upcoming
16 session, that we would support any other than maybe
17 some housekeeping kinds of things, you know, and wait
18 until that report comes out. Because obviously I have
19 a feeling that they're going to have some broad
20 recommendations because the law really hasn't been
21 looked at to any degree since it was first passed.
22 Those are just thoughts that I had.

23 CHAIR PORTER: Other board members?

24 (Pause)

25 CHAIR PORTER: Well, I'll throw my two

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1 cent's worth in. Anthony and I have talked about this
2 a lot.

3 I guess sitting in that - that meeting that
4 day in Nashville when we - and a lot of the folks
5 that's in the audience was there, too, I guess I didn't
6 appreciate the way it was brought about. You know, I -
7 they just kind of sprung it on us at a public meeting
8 and the rep, when it was opened up to the audience,
9 stood up and read the letter. And I - that's just not
10 the way you do business and I really didn't appreciate
11 the way they did it.

12 The other thing is, I've been in this 25
13 years now - I hate to - I'm going to tell my age before
14 it's over with but that's no secret - and over the last
15 six years that this board has been in existence, I look
16 at all the things that's come before us and we've only
17 had one issue in six years that's come before us
18 regarding a city, and that's the one we're looking at
19 with Johnson City. I would guess -- Mountain City, I'm
20 sorry. Mountain City/Johnson County.

21 I would say that I have been in two-thirds
22 to three-fourths of the 911 centers in this state. I
23 did a lot of travel in the first two, three or four
24 years there of doing the site visits before we got our
25 technical consultant, and if there's problems out

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1 there, I don't know about them and we're not hearing
2 about them.

3 Now yeah, there may be a disagreement
4 between the fire chief and the police chief on
5 something sometimes, but that's going to happen in any
6 little locality, but this letter is making it sound
7 like it's major problems, and I just don't see how in
8 the world that we would want to dictate in state law
9 how a 911 board is appointed.

10 I mean, right now the county executive has
11 the authority to appoint that 911 board and it's
12 approved by the county commission. It's been that way
13 since - since day one, since the 911 law went into
14 effect.

15 And the thing that caught me funny is when
16 you hear cities - you know, that they always complain
17 that - about double taxation, you know, and that the
18 city's being double taxed because they pay county taxes
19 and city county - and city taxes both. Those people
20 are citizens of that county just the same as they're
21 citizens of that city, and they're citizens of that
22 county first. So they - you know, they have
23 representation by whoever's being appointed to the
24 board, whoever it is in the county, and I just hate to
25 see us dictate that a city mayor is required to be on

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1 that board from each one of the cities when those
2 little cities may not even play a part in the 911 and
3 it may - if there's no money being put into effect.

4 And one final thing and I'll shut up. In
5 our law, TCA 7-86-105(b)6 was specifically put into our
6 law so that at the local level if a county and a city
7 go together, the city's paying part of the cost for
8 911, the county's paying part and 911's paying part,
9 they have that authority right now to change the makeup
10 of that board and the city can have some appointees on
11 it. So it just doesn't make any sense to me why we
12 need to mess with it but --

13 Yeah, we've got some counties that are
14 already doing that so it's not like that it's not there
15 now. But that's my two cent's worth.

16 But you need a motion from the board giving
17 you the authority for us to - to oppose it; is that
18 what you're asking for?

19 MR. HAYNES: I need - I need action from
20 you that tells me - or what I would prefer is action
21 from you that tells me whether or not you support,
22 oppose or want to defer on this matter.

23 CHAIR PORTER: Do I hear a motion?

24 MEMBER TAYLOR: Mr. Chairman, I would move
25 that we oppose this measure.

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1 CHAIR PORTER: Got a second?

2 MEMBER VICKERS: Second.

3 CHAIR PORTER: A motion to second.

4 Any discussion? Any other board members

5 have anything you want to say?

6 (Pause)

7 CHAIR PORTER: Hearing no more discussion,

8 all in favor say aye.

9 THE BOARD: Aye.

10 CHAIR PORTER: All opposed like sign.

11 (Pause)

12 CHAIR PORTER: Will that take care of it,

13 Anthony?

14 MR. HAYNES: Yes, sir.

15 CHAIR PORTER: Okay. Anything else on your

16 report?

17 MR. HAYNES: No, sir. I move to agenda -

18 agenda item number two, consider cost recovery.

19 CHAIR PORTER: Okay. That's yours?

20 MR. HAYNES: Yes.

21 Mr. Chairman, agenda item number two -

22 that concludes my report. The agenda item number two

23 is a revision to the Phase I cost recovery of Sprint

24 PCS. Sprint PCS is not seeking Phase II cost recovery,

25 however, their Phase I cost recovery has been modified.

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1 Their original plan was a forward looking model in
2 absence of deployment, in absence of much of the
3 technology that was on the market today that suddenly
4 emerged as more and more of these counties started to
5 do that.

6 At this time I would like the board to
7 accept staff's recommendations for approval of that
8 cost recovery plan. It has been reviewed by the
9 chairman, it's been reviewed by the staff and it's also
10 been reviewed and - by the ECB technical consultant,
11 Curt Andrich with Kimball and Associates. All is in
12 order and all is on file if the board chooses to - to
13 review that matter, but at this time I would request
14 the board's approval of that item.

15 CHAIR PORTER: You heard the request from
16 staff. Do I have a motion?

17 MEMBER MOODY: So moved.

18 CHAIR PORTER: Ms. Moody makes a motion.
19 Do I have a second?

20 MEMBER RICH: Second.

21 CHAIR PORTER: Second by Mr. Rich.

22 Any discussion?

23 (Pause)

24 CHAIR PORTER: Motion is to approve the
25 cost recovery request from Sprint PCS. All in favor

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1 say aye.

2 THE BOARD: Aye.

3 CHAIR PORTER: All opposed like sign.

4 (Pause)

5 CHAIR PORTER: Motion carried.

6 MR. HAYNES: Mr. Chairman, I'd just point
7 out for the record and those listening in the aud - in
8 the web cast for the first time, the exact numbers and
9 the components of this are protected as confidential
10 and proprietary by state statute at the request of the
11 carrier. This is not uncommon in dealing with
12 telecommunications infrastructure or as well as market
13 sensitive data that they have due to the competitive
14 nature of the industry, and we live by the same
15 regulations. This matter would - or similar matters
16 would be treated the same way by the Tennessee
17 Regulatory Authority for those are the same regulations
18 that we use.

19 CHAIR PORTER: Thank you, Anthony.

20 The next item on the agenda is the request
21 by the Johnson County emergency communications
22 district.

23 Do you want to come forth?

24 For - and Mike, you and Katrina's benefit
25 that may not have been here when we first started that,

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1 do y'all need a little summary of what's going on or
2 are y'all pretty familiar with what's happened?

3 MEMBER TAYLOR: This is the Mountain
4 City/Johnson County deal?

5 CHAIR PORTER: Mountain, yeah. Okay. All
6 right.

7 State your name for the record, please.

8 MR. STEWART: Okay. My name is Randy
9 Stewart. I'm the chairman of the Johnson County 911,
10 and I also have some other members of the board and our
11 director here. I'd like to introduce them. The
12 gentleman sitting second from the left is Mr. Eugene
13 Cambell. He's our 911 director. The gentleman sitting
14 next to Eugene is Mr. Tom Taylor. He's a member of
15 our - of our board; he's also a member of the Johnson
16 County Commission, and Mr. Taylor is retired from the -
17 he's a retired builder and electrician. He's retired.

18 And the next gentleman is Mr. Willie
19 Deboard (phonetic). He's a member of our board. He is
20 our secretary/treasurer of our 911 board and he's been
21 on the board since the beginning of 911 and he's also
22 been the secretary and treasurer since that time. And
23 he's employed by the Johnson County EMS. He's a
24 paramedic with them.

25 CHAIR PORTER: Glad to have y'all with us.

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1 Go ahead.

2 MR. STEWART: I would like to talk to y'all
3 about two issues. The first issue I'd like to talk
4 about, the dispute with Mountain City. I know you all
5 know, you know, pretty much what's going on. I think
6 last month you all had - you all - or at your last
7 meeting, you all had a report from Kimball and
8 Associates. Did - did you all have an opportunity to
9 look -- So you know what's going on.

10 We met Monday night. Our city mayor is
11 also a member of our Johnson County 911 board and he
12 made a suggestion that the city would pay us \$25,000 to
13 do our water - to do their water and sewer dispatching.
14 And also that he would like to see that his self, the
15 city mayor, and the county mayor and the city
16 accountant and the county accountant to sit down and
17 see if they can resolve the other \$35,000 which we are
18 in a dispute over.

19 And I guess I need y'all's advice on should
20 we take the 25,000 to do their water and sewer. Since
21 we've - we've been under a state order since all this
22 happened, and you know, we need y'all's approval and I
23 need to know what you all think about that.

24 CHAIR PORTER: What about your 911 calls?
25 What - that's not - that's the major problem that we

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1 have here, or did they not address it at all?

2 MR. STEWART: No. Their - their - this is
3 their solution: that the city mayor would like to talk
4 to the county mayor and they would like to get the
5 county accountant and the city accountant together to
6 see if they can do anything about it. But our
7 problem - our problem, we have been close before and
8 the negotiations had fell apart.

9 For instance, last year we were down here
10 and Ms. Moody made a motion that the city pay us
11 70,000 - up to \$70,000 for the last year's budget.
12 Well, when we got back to Mountain City, they only gave
13 us \$60,000 because they said the motion was prorated
14 and since they were paying from January 'til July, if
15 you prorate 70 - \$70,000, that's 35. And they had give
16 us 25 before January.

17 Well, to me, 25 and 35 is 60, it's not 70.
18 But that's the kind the situation we're in. And I
19 guess I need to know: can you all collect the 35,000?
20 If we accept the 25,000, can you all collect the
21 35,000?

22 CHAIR PORTER: Anthony had - the staff had
23 come up with some stuff on this. Do you want to talk
24 just briefly about some talks that - about the
25 arbitration and stuff on that. It was in the packet.

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1 MR. HAYNES: Now you said a legal term.
2 Now I'll turn it over to general counsel.

3 CHAIR PORTER: Lynn, you want to address
4 it?

5 MS. QUESTELL: Randy, would y'all be
6 opposed to having a professional mediator join with you
7 to actually mediate the issue? That mediation is a
8 specific legal thing that you go through. All the
9 parties have to be voluntary. And they will help you
10 reach a negotiated agreement and at the end you will be
11 asked to sign a contract finding that would reflect the
12 agreement that you all had reached out - reached if you
13 were able to reach one. Do you think you would be
14 opposed to that?

15 MR. STEWART: No, I wouldn't be opposed to
16 it but we have to be careful, if - you know, we have to
17 get the county's opinion on this also because they're
18 funding 911. You know, they funded us \$84,000 this
19 year. Well, you know, if - if the city only pays
20 25,000, then more than likely, what's the county going
21 to say next year? Are they going to say: well, you let
22 the city get by with 25,000. You know, why can't we
23 get by with 50,000?

24 CHAIR PORTER: Putting this in --

25 MR. STEWART: You know, that's the --

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1 CHAIR PORTER: I'm sorry.

2 MR. STEWART: That's the kind of situation
3 we're in. I think -- I don't have a problem with it.
4 I'll do whatever it takes to get this settled. But I
5 think - I think we need to get the city and the county
6 involved in it because that's where our funding comes -
7 comes from, from the city, county and the telephone
8 bills.

9 CHAIR PORTER: Putting this into
10 perspective, are you going to be able to - to last
11 through the - to the end of the fiscal year if you
12 don't get money for Mountain City?

13 MR. STEWART: Well, Mr. Campbell can
14 address our budget better than I can, but that's why
15 we're here, to ask for a rate increase. If - if we
16 don't get the 60,000, you know, we're - we're going to
17 ask - we'd like to ask y'all for a rate increase. If
18 we get the 25,000 for doing their water and sewer and
19 we - we're short 35,000, then you know, we need to
20 address that.

21 But also something we have to look at, if -
22 let's say negotiations fall through and maybe we quit
23 doing the dispatching for the city. Well, they're not
24 going to give us 25,000 next year to do what - they're
25 not going to give us anything. So then there we are.

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1 We're going to be \$60,000 short next year.

2 And you know, what -- It's so frustrating
3 for me to be on this board. That's like, our
4 dispatchers make \$7 an hour. That's what we start them
5 out at. Folks, that ain't right. They should make,
6 you know, more money than that. And - and you know,
7 when the cities don't fund 911, it - it's - no, it's
8 not hurting me but it hurts our dispatchers, that's -
9 that's who it's hurting, and it hurts the citizens, and
10 it's just not right.

11 CHAIR PORTER: Ms. Wanda.

12 MEMBER MOODY: Do you - are both mayors
13 from Mountain City and Johnson County on your board?

14 MR. STEWART: No, just the city mayor. The
15 county mayor is not on our board.

16 Our board is made up of - we have a - the
17 city mayor's on the board, a city councilman is on the
18 board, two commissioners are on our board and Mr.
19 Deboard is on our board, who works for the EMS, and
20 then the rest of the board's made up of the citizens.

21 CHAIR PORTER: Let me ask our attorney a
22 question and clarify something.

23 This board would have no authority to tell
24 them whether they can accept \$25,000 to answer dog and
25 sewer calls, can we? I mean, that doesn't fall under

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1 911, that's a separate dispatching issue. Do we have
2 any authority to be involved in that?

3 MS. QUESTELL: You know, that's a really
4 good question and I hesitate to answer you right off
5 the bat, but I think you raise a real issue about
6 whether we have the authority. It might be that you
7 have the authority to do that and don't need to ask us
8 about that.

9 The problem is that we have issued a number
10 of orders that kind of set the - the parameters of what
11 they can and can't do, including that we ordered them
12 that they had to continue dispatching. And - and maybe
13 the board might want to consider rescinding some of
14 those orders to leave the district with a little bit
15 more leeway to negotiate.

16 MEMBER MOODY: Mr. Chairman, if - if they
17 were to consider the 25,000 for those extra dispatch
18 services, shouldn't they enter into some kind of a
19 contract that would be very specific both in terms of
20 range of services as well as payment?

21 CHAIR PORTER: I'm with you, Ms. Wanda, and
22 I - just to be blunt, this thing kind of smells bad.
23 It - I just --

24 It's kind of funny that all of a sudden
25 the - they're wanting to pay you \$25,000 to dispatch

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1 for two nonemergency services and they're not even
2 addressing the 911 calls. It's almost like we're
3 trying to - they're trying to make the other go away
4 and --

5 And our concern here is is those 911 calls,
6 what's done with them. And this thing just keeps
7 dragging on, and we're almost a year into this thing
8 and I don't think we're any closer today than we were
9 12 months ago. And I --

10 MR. STEWART: See, it's so hard for us to
11 set a budget. You know, here we set a budget with the
12 city paying 60,000. Well, half the year's gone. We've
13 got to start on our next year's budget. Well, we don't
14 have this year's budget straightened out yet.

15 MEMBER TAYLOR: Mr. Chairman, a couple of
16 questions. I don't know what statutory authority we
17 have but I'm - I'm concerned that these folks may run
18 out of money and the fiscal year isn't ended. Now I
19 don't know what authority we have, and I guess
20 that's --

21 And also a question is what's their
22 financial situation? How much reserves do they have?
23 Are they going to be broke or --

24 MR. STEWART: Mr. Campbell, would you --

25 MEMBER TAYLOR: -- are you going to be in a

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1 negative situation by the end of the year?

2 MR. STEWART: I'll let Mr. Campbell
3 address --

4 MEMBER TAYLOR: I mean, how - how great is
5 this crisis? I'm not -- I know it's been ongoing but
6 it looks like to me we're - the train's about to run
7 off the track.

8 MR. CAMPBELL: Okay. Eugene Campbell, the
9 director.

10 We should - if we can get the \$30,000
11 grant, which hopefully we'll be getting it, and then
12 25,000, we'd still be coming up somewhere between
13 probably five and \$6000 short for this fiscal year for
14 salaries.

15 CHAIR PORTER: So you're going in the red
16 if - if - and you're counting on getting the \$25,000
17 from the city. You're counting on that 25, though,
18 right?

19 MR. CAMPBELL: Right, and the 30 grand.

20 MEMBER MOODY: Do you have any reserves?

21 MR. CAMPBELL: We have some reserves that
22 we had put back in like a - in a fund to like build up
23 for equipment when it goes bad, and also have some - a
24 little over in the general fund that we could transfer,
25 but you know, we're going to - if this keeps on, we're

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1 going to drain 911 dry in both accounts.

2 CHAIR PORTER: Questions.

3 (Pause)

4 CHAIR PORTER: Mike, are you representing
5 Mountain City?

6 MR. MANN: Mr. Chairman, yes.

7 CHAIR PORTER: Well, do you want to come up
8 and say something?

9 MR. MANN: My name is Mike Mann. I have
10 provided limited representation to the city.

11 CHAIR PORTER: Let me clarify something,
12 Mike. Are you representing them here today?

13 MR. MANN: Yes. And the mayor - I was
14 going to continue, Mr. Chairman. And the mayor asked
15 me to be present today and to speak on behalf of the
16 city to - to provide you information, not to get
17 involved in an oppositional hearing.

18 The board's got good people on all sides of
19 this and we appreciate your interest.

20 The - just some brief background since the
21 last - I guess it was in November - and September
22 meetings the board dealt with this. The city, of
23 course - just a refresher - Mountain City is a - is a
24 small community of 2500 people and they have 15 percent
25 of the population of the whole county so the -

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1 they're - they're, you know, small in that regard.

2 Their previous offer of 25,000 represented
3 a per capita assessment, man, woman and child, of \$10 a
4 person. And if you look at most contributions in
5 Tennessee that go for support of communications, 10 to
6 \$15 in almost every single county is pretty much the
7 range of support counties provide for operations, for
8 better or worse. The large and small, it'll - it's not
9 scientific and I don't offer it as that, but that's
10 my - my assessment.

11 Anyway, the - they've got a problem.
12 Eugene's done a very good job and their board members
13 are very conscientious. I - we have no dispute about
14 that. In an effort to try to help them resolve this at
15 the local level, I suggested to the city that - through
16 the mayor, that they propose an agreement. And in
17 fact, we drafted an agreement so that - and that was
18 one of the problems, Mr. Chairman, is that nothing -
19 none of these relationships are in writing. To my
20 knowledge, there's not an agreement with the district,
21 even with the county, and that should be requirement
22 number one, because districts, as you know, have no
23 real authority under the law to automatically do
24 dispatching. It's - it doesn't require a district to
25 do dispatching. We're allowed to but I - every

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1 district I've ever worked with, I tell them: you - you
2 should have an agreement with your county that
3 guarantees financial support because your 911 money
4 will not do that. And don't mislead the county into
5 thinking it will because you'll end up with problems
6 like this.

7 But they have no agreement. So in an
8 effort to get this started, we drafted an agreement
9 patterned similarly on others that citizen counties
10 have to support local communications in other
11 communities and - that - that have worked.

12 Now they had to - the city had two
13 interests. They have a, you might say, city business:
14 the water, animal control, I think was --

15 MR. CAMPBELL: Water and sewer and animal
16 control.

17 MR. MANN: Yes, and animal control was one
18 of them. And then of course, there's the emergency
19 calls, which was the main thing. They recognized that
20 the municipal function and activity of animal control,
21 water/sewer, that's - those are municipal services and
22 they were paying nothing to get that support. The
23 nine --

24 MR. HAYNES: Is the water its own municipal
25 district or is that just the city - city engaged

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1 business?

2 MR. MANN: It's a city operated utility.

3 MR. HAYNES: Okay.

4 MR. MANN: The - but anyway - and I
5 informed, you know, the city that that was an
6 additional and separate thing. Now they felt that the
7 citizens of Johnson County - of Mountain City were
8 Johnson County residents first, and paid their 65 cents
9 and had an equal claim for 911 calls as any other
10 resident of the county within or without a
11 municipality. That was sort of the rub here.

12 Anyway, in an effort to get this started,
13 I suggested that they at least offer an agreement that
14 would give some money to the district that would
15 include those services, or you know, would stipulate it
16 was for those. They were - they did not want to pay
17 additional beyond that for 911 services.

18 CHAIR PORTER: So 911 was mentioned in the
19 contract?

20 MR. MANN: Yes. Yeah, it would include all
21 communications.

22 CHAIR PORTER: So this was to give them
23 25,000 to pay for everything.

24 MR. MANN: Yes.

25 CHAIR PORTER: The thing that we told that

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1 they couldn't do, that they need to pay the
2 (inaudible).

3 MR. MANN: Well, they were trying to -
4 right, they were trying - in an effort to do that.

5 Now I understand the agreement was looked
6 at by - and it was written - the agreement was written
7 for the county and the district and the city to enter
8 into. For - for reasons that have - the chairman has
9 well-stated, they have not accepted that agreement yet
10 because it didn't fill their full financial needs.
11 But - let me just complete one last thing and then --

12 Now the mayor called me and he - Monday or
13 Tuesday and he told me that he had written a check and
14 offered, without an agreement, to give --

15 And - and quite seriously, now I don't know
16 everybody personally; I do know everyone - I've known
17 Eugene for a long time (indicating) and the others and
18 have never had any reason to suspect anything than
19 these people are in good faith and sincere in what
20 they're expressing. And it wasn't an attempt to
21 snooker the - the city or anything. Quite frankly I
22 told the mayor: you shouldn't have written that check
23 until you had an agreement signed. And he said: no, we
24 wanted to show good faith to at least give them some
25 money because they had a real desperate financial

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1 problem right now. And so that's - that's where they
2 are at this moment.

3 And I'll be glad to answer any questions if
4 I can.

5 CHAIR PORTER: Lynn, do you have a
6 question?

7 MS. QUESTELL: Actually I have a couple of
8 comments, first being that the board passed - this
9 board passed a policy on August 1st that all agreements
10 or arrangements between an emergency communication
11 district and another governmental entity in which
12 facilities, resources and/or income of any kind are
13 shared, contributed or obtained shall be memorialized
14 in written inter-local agreements and adopted by the
15 board of directors of the local emergency
16 communications district before the implementation of
17 such an agreement.

18 So any kind of an agreement that y'all do
19 get involved with must be in writing and must be ruled
20 on by your board before you can implement it. Just -
21 just --

22 MR. STEWART: If I might comment on the
23 agreement, you know, part of the agreement also had how
24 the 911 board was going to be made up.

25 MS. QUESTELL: Well, and that's what I

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1 wanted to get next - to next.

2 MR. STEWART: Okay.

3 MS. QUESTELL: I wanted to ensure is the
4 agreement that you were discussing the one that was
5 sent to Randy by George Wright on October 15?

6 MR. STEWART: I don't have that in front of
7 me but I think that's probably correct, yes.

8 MS. QUESTELL: Well, this has some real
9 problems with it that the attorney general has - has
10 commented on in previous opinions.

11 MR. MANN: Well, they - they were offering
12 that as - as a starting point and I don't think there
13 was anything in there that wasn't negotiable, is my
14 understanding.

15 MS. QUESTELL: That's not what the cover
16 letter says so we didn't know --

17 MR. MANN: Well --

18 MS. QUESTELL: I mean, I appreciate what --

19 MR. MANN: -- they knew it would get - they
20 would accept that.

21 MS. QUESTELL: Which means that y'all -
22 they were leaving the door open, although they didn't
23 say so, that they wanted to continue to negotiate. Is
24 it your feeling that your clients want to mediate this
25 issue?

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1 MR. MANN: Well, that was my - the last
2 thing the mayor told me - and the Chairman has
3 accurately stated - was that he's - he's offered to --

4 I think there were two things the city was
5 looking for. One was some confidence in the financial
6 management and the actual numbers. Not that they
7 disputed them but - and they had agreed tentatively the
8 city's finance officer - or the (inaudible) --

9 MR. STEWART: Right.

10 MR. MANN: -- and the county finance
11 officer would meet together and go through the books
12 and numbers so they all were talking about the same
13 thing. And then the city mayor and the county mayor
14 were going to sit down, as the Chairman had said, and -
15 and see if they could find some common ground
16 financially to do that. And that was the last I'd
17 heard, that they'd offered to - and to do that as soon
18 as possible.

19 CHAIR PORTER: Let me ask a question. I
20 mean, the \$25,000's been here already and that was
21 rejected and put down in a - in a thing for the board
22 that - for it to be 60. Are we wasting our time?

23 MEMBER MOODY: Seventy.

24 CHAIR PORTER: Seventy or 60?

25 MEMBER MOODY: Seventy, wasn't it?

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1 MR. STEWART: Well, last year it was 70 and
2 then this year it was 60.

3 CHAIR PORTER: Sixty. We went back to --

4 MR. STEWART: Y'all asked us what we got
5 last year and we got 60. We're supposed to got 70 but
6 we got 60.

7 CHAIR PORTER: Mike, are we - are we
8 wasting our time here on --

9 MR. MANN: Well, Mr. Chairman, I think
10 you - I don't think you are. I wouldn't foreclose the
11 good faith effort of these people to try to close the
12 gap. I do think the board could help, as - as has been
13 stated by encouraging as much as possible and maybe
14 through the mediation efforts of your director, who can
15 assess and eyeball to eyeball some of the principles
16 involved here. But there is a - there's an important
17 legal boundary and the implications of this are
18 immense, beyond this county.

19 I know I'm sitting back here with Mike
20 Twitty from Sequatchie County and I know Michael would
21 love to bring the City of Dunlap down here next, who is
22 contributing nothing to help him get started, so he can
23 get off the list as the last hold-out in Tennessee.
24 And numerous counties would like to bring in cities and
25 multiple cities on some a fair and equitable basis.

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1 But state law, at least from the view of the city -
2 of - of Mountain City does not give the board that
3 authority, and I know we have disagreed about that
4 but --

5 CHAIR PORTER: Well, until that's
6 overturned and otherwise, we - that's --

7 MR. MANN: And we feel -- I know, but we
8 also feel that there's a party that's not here that
9 needs to be here and answer to this board and that's
10 the county government and their responsibility for all
11 the citizens of their county, and - and whether their
12 level of contribution is - and support is fair and
13 adequate for the needs of Johnson County.

14 CHAIR PORTER: Okay. Let's - let's --

15 MS. QUESTELL: With the - with the chair's
16 permission, I would like to interject that the one
17 thing that's distinguishing everything that you've just
18 said for about the past five minutes is that Mountain
19 City came here. No - this board did not try to drag
20 Mountain City here. Mountain City brought this case
21 here. And I think it's very important when you're
22 talking about Mike Twitty as to bringing in Sequatchie
23 or whatever, no one's talking about that. The law does
24 not permit that.

25 Mountain City came here and asked for our

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1 involvement and we would never have gotten involved if
2 they hadn't. I just want that on the record.

3 MR. MANN: Okay. Mr. Chairman, may I just
4 respond?

5 And I agree.

6 CHAIR PORTER: Okay.

7 MR. MANN: I respect what general counsel
8 has said. We're talking about 7-86-307(b)12, and
9 that's a section of law that maybe we're going to have
10 to go to the Tennessee Supreme Court eventually to get
11 interpreted, but as the Chairman knows, because you
12 were sitting with me in Lieutenant Governor Wilder's
13 office when this language was written, and the one
14 thing we did not want were individual city
15 commissioners and county commissioners running around
16 all the time challenging what - or second guessing what
17 a 911 board did, because we've had plenty of experience
18 with that. And so we asked the drafters of the
19 legislation: would you please require 911 decisions can
20 always be checked and reviewed by this state body just
21 like the utility districts - because that was the
22 template that Senator Rochelle was using - but require
23 them to at least get a resolution first at home
24 before - and you know, and then bring that decision of
25 the board down here and - and let the 911 board look at

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1 it.

2 And so what we were saying was that - and
3 as I - I wasn't involved in Mountain City, bringing
4 that initially, but later. But in any event, I do
5 think that you wanted to encourage your local
6 governments to know they could come to you with
7 concerns or problems they have with the 911 district.

8 But the mere fact that they asked you to
9 look what the 911 district didn't mean a - wouldn't
10 turn out to be a got you: a-hah, you asked me to look
11 at what 911 did. Now that I've got you asking that
12 question, by gosh, you're going to pay \$60,000 for
13 doing so.

14 CHAIR PORTER: Mike, if that - if that
15 decision on our part had been on the other behalf,
16 they'd have been walking out of this room saying: oh,
17 okay, well, you know, we were (inaudible).

18 MR. MANN: It would have a - it would have
19 a chilling effect and really reverse the real intention
20 of that law. And quite frankly, any city now has no
21 recourse but political, and it doesn't surprise me TML
22 is turbulating (phonetic) - you know, in turbulence
23 about some of this.

24 CHAIR PORTER: Well, the thing - and I
25 think - and I'll - we'll move on after this point, but

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1 if you remember, when we were sitting developing that
2 law, the one thing we wanted to do is is for - if the
3 city and county had a problem with 911, that they bring
4 it to the state board and that state board make the
5 decision as to who was right and who was wrong. And
6 that's exactly what's happened here, and just because
7 it ruled on the opposite side of the city doesn't mean
8 that we've - we've done anything wrong here. It
9 could - we would have easily have ruled on the side
10 of - of the city and told the 911 to do something, so I
11 don't - I don't see that as a --

12 MR. MANN: Well, Mr. Chairman, had the
13 city - just belabor one last comment, if I might be
14 indulged; and I appreciate you giving us this
15 opportunity.

16 But it wasn't that they - they brought a
17 problem. They didn't bring the contract down here, you
18 know, where one party was bound or not bound by the
19 other. The city had no - no obligation at that time.
20 They had been conducting a course of financial support,
21 which is incredible, \$60,000 in 25 - a little town of
22 2500 people. Total budget - their total budget of that
23 town is \$350,000 and we're asking them to set aside
24 roughly 20 percent of their budget, which if this board
25 has that authority, then every city in this state could

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1 be subjected to it. And all I would suggest is maybe
2 that we should have legislation that specifically said
3 that.

4 Now that doesn't solve your immediate
5 problem.

6 MS. QUESTELL: But if I might interject, I
7 just want to correct the record one thing. The city
8 came here say - and challenged the decision of the
9 district to quit dispatching. That was the initial
10 issue. The district had said: if you don't pay us
11 enough, we won't dispatch for you. That was the
12 original issue. It wasn't about whether the city - but
13 we were - this board was very concerned about the
14 safety of the citizens. Be that as it may, I think
15 perhaps this issue should be taken up in another forum.

16 CHAIR PORTER: Okay. Let's - let's - let's
17 kind of move on here.

18 MEMBER LOWERY: Is it in order to remove
19 the requirement that Mountain City 911 emergency
20 communication district dispatch that we put on them and
21 let them negotiate that in Mountain City or now we - we
22 know you have to keep answering the calls. I don't
23 want to get anything taken out of context here.

24 CHAIR PORTER: Anthony's got an idea over
25 here.

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1 MEMBER LOWERY: Okay.

2 CHAIR PORTER: (Inaudible).

3 MR. HAYNES: Mr. Chairman - Chairman, I
4 learned in Washington a long time ago that when you're
5 government, you can create situations that the only
6 people that ever win out of them, in spite of your
7 intention, are the lawyers, because they're working off
8 billable hours; they're working off retainers, and
9 nobody would like more controversy more than a world
10 full of lawyers.

11 I've also learned, too, that the show of
12 power and the show of influence and the ability to
13 govern is not in being able to take authority and
14 statute and ram it down people's throat. You can cut
15 people loose where there's well within the authority
16 and make them work it out themselves.

17 This has all the makings of what I saw in
18 Washington, and I - I want to leave this - I love
19 Washington but I want to leave Washington in
20 Washington. There's too much of Washington in
21 Tennessee right now in different aspects of politics.

22 And what I'd recommend to the board this
23 morning - or this afternoon - is to use your authority
24 to grant what was just asked. They've already been
25 here for a rate case and everything; we've got their

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1 books. We know more - we probably know just as much
2 about what's going on with the district's finances
3 within a day as what Eugene does. Grant them the rate
4 increase they want. Raise them to the state maximum on
5 the business line, raise them to the state maximum on
6 the residential line. The people back home will figure
7 out where that so called fee increase came from and
8 why, and it's because people can't get along. And I'm
9 not saying which side's at fault, I'm just saying
10 people can't get along.

11 And the reason I'm proposing this is that I
12 would like - I think it would be a good solution for
13 you all to back off your requirement that Member Lowery
14 just suggested of requiring them, and say: okay, you've
15 got - give them the full rate increase to the state
16 maximum, let it go into effect for 60 days, and at the
17 same time this board offer to pay for court approved, I
18 guess --

19 Is that the right way to say it, court
20 approved mediation? I want to make sure I get this
21 right.

22 MS. QUESTELL: No, but it would be
23 professional mediation.

24 MR. HAYNES: Professional mediation, not
25 anyone on this - not anyone like me that's a

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1 nonattorney - and get a resolution from all parties
2 that they will participate in that mediation to try to
3 bring closure long-term to this problem of who pays for
4 what and who does what, and then if no - if not - not
5 all of the parties agree, then let the 911 district and
6 something reasonable: six, eight months, cut the city
7 loose and from that date forward let them start
8 transferring those calls and let the city be on their -
9 be on their own.

10 I don't know why a city that small would
11 want the headache of dealing with dispatch 911 calls,
12 but I'm sure they've got their reasons. But the other
13 reason I say that is that I've heard from Member Taylor
14 this morning in the office, a unique situation they've
15 got that helps people work together and work out their
16 differences.

17 There's a provision in the law - and White
18 County does that with its consolidated district - with
19 the agreement using the statutes that's been with the
20 books since 1984. I'm confident that when politics
21 runs its cycle and you've got a different mayor, you've
22 got some different aldermen - no offense to the
23 district 911 board of directors - they may be the best
24 of friends and this won't even be an issue - and look
25 at the chaos that was raised and all the problems from

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1 it.

2 And Mike, you can't go out here and say:
3 oh, this is going to go out all across the state and
4 the state board's going to come in here like Godzilla
5 in Japan and scare the hell out of everybody. That's
6 what's not helpful. That's what's not helpful. There
7 are multiple processes to work this thing out. And it
8 all comes back to what everybody in this room knows as
9 politics is personalities have trouble getting along.

10 So let's - let's fix this problem in what
11 the board can do within its short-term - within its
12 authority to fix the short-term financial problem, try
13 to get everybody down at the table with a neutral third
14 party to forge a written agreement, a contract how
15 these things will work in the future, and then maybe in
16 a few years politics will cycle out the personalities
17 that can't get along.

18 And that's not saying the mayor's wrong and
19 the district's right and the district's wrong or
20 whatever, it's just observing what it is. There are
21 personalities that can't get involved. And maybe the
22 day will change that we will see that they can become a
23 model for government getting along in spite of some of
24 the most strenuous circumstances as opposed to what we
25 have now.

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1 That would be the staff's recommendation
2 after months of trying to figure out the solution to
3 this thing that represents all parties and their best
4 interests.

5 And I didn't mean to offend you, Mike, but
6 I'm just - you know how I am when I get going.

7 MR. MANN: None taken.

8 CHAIR PORTER: You have a recommendation
9 from the staff that we raise the Johnson County's
10 landline rates to the max. We already raised them at a
11 previous - and we didn't go all the way to the max; we
12 raised them to the dollar fifty/three dollar max.

13 And that the board be willing to pay for
14 professional mediation if Johnson - if Johnson County,
15 Johnson County ECD, Mountain City are willing to - to
16 go into mediation, But lifting the thing that we had
17 put in before that said that y'all had to keep
18 dispatching for them, lifting that, and that allows you
19 to - if - if you don't come up to anything good in the
20 next three or four or five months or whatever it takes,
21 then you've - you've got the authority to stop if you
22 need to.

23 MR. STEWART: Also, Mr. Chairman, I'd like
24 for the county mayor or the county commission be
25 involved in this mediation.

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1 CHAIR PORTER: That's what I said.

2 MR. HAYNES: Absolutely.

3 CHAIR PORTER: Johnson County, Johnson
4 County ECD and Mountain City, yeah.

5 MR. HAYNES: And a resolution from all
6 parties.

7 MEMBER VICKERS: Will we need a written
8 agreement to this thing as far as mediation goes?

9 CHAIR PORTER: Back from the parties saying
10 they agree to it?

11 MEMBER VICKERS: Both parties agree to it.

12 CHAIR PORTER: Lynn?

13 MS. QUESTELL: I think it would be a wise
14 idea to require the parties to mediation to agree ahead
15 of time in writing to undergo the mediation process.
16 We would like - before we go and obtain a mediator --

17 MEMBER VICKERS: If we're going to be out
18 this money.

19 CHAIR PORTER: Right.

20 MS. QUESTELL: We want it in writing that
21 y'all agree to - willingly agree to participate.

22 If I might also interject, if you are
23 planning or considering lifting the requirement that
24 the district continue to dispatch, I would request that
25 you put on the record that you asked our technical

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1 consultant and get on the record what a reasonable time
2 would be for the city to be able to set up its own
3 dispatching, that we do not - absolutely do not want to
4 leave the citizens of this city without dispatching,
5 and we need to make sure that we're giving them a more
6 than reasonable time to set that up themselves.

7 MR. HAYNES: (Inaudible).

8 MS. QUESTELL: That's correct, but that's
9 why we need a time certain. I believe that our
10 technical consultant had mentioned to me somewhere
11 between eight months and a year would be a reasonable
12 amount of time.

13 UNIDENTIFIED SPEAKER: (Inaudible).

14 CHAIR PORTER: We've got a recommendation
15 from the staff. Do I have a motion to that effect?

16 MEMBER BILBREY: Now can I ask one question
17 first?

18 CHAIR PORTER: Well, I've got a motion
19 right here. Can I - can I see if I get a second then
20 you - we can discuss it?

21 Do I have a second?

22 MEMBER TAYLOR: I'll second it.

23 MEMBER MOODY: I'd like to hear what that
24 motion is --

25 CHAIR PORTER: Okay.

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1 MEMBER MOODY: -- in terms of what the
2 specifics are.

3 CHAIR PORTER: Johnny makes a motion, Mr.
4 Taylor seconds on staff's recommendation. To make sure
5 we get all this right --

6 MR. HAYNES: That the board today right now
7 use its authority to raise the business rate to \$3 per
8 line, residential rate to \$1.50 per line, that that go
9 into effect immediately, which means the telephone
10 company's got up to 60 days to put it into effect, that
11 the ECD approach all parties: the city, the county and
12 the district board of directors and pass resolutions
13 seeking - or I guess you would say willingness to enter
14 into mediation, but if something happens to where that
15 falls through and the city does not participate - I
16 still think there's a good reason why the city and the
17 district should possibly enter into mediation for some
18 reason the county didn't want to participate.

19 But let's say that Mountain City said:
20 thanks, no thanks, we're just tired of this thing.
21 Then I think the board should authorize, if the local
22 district chooses, to - to work with Kimball and
23 Associates to figure out what is a reasonable time to
24 quit direct dispatching for the city and upon that
25 date, cease direct dispatching those calls and merely

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1 transfer those to wherever the city wants them
2 transferred to to be responded.

3 CHAIR PORTER: Does everybody understand
4 the motion?

5 Mr. Bilbrey, have you got a question?

6 MEMBER BILBREY: Yes. Legally can we
7 really approve that increase to the maximum without
8 going through any sort of a procedure request and so
9 forth from them?

10 MR. HAYNES: They - they just went through
11 it and --

12 MEMBER BILBREY: I know they went through
13 one.

14 MR. HAYNES: Well, but I mean, it's - this
15 is part of a continuing - that rate increase grew out
16 of the discrepancy of Mountain City. It's all kind of
17 been one package --

18 MEMBER BILBREY: Have they asked for this
19 rate increase before for this amount?

20 MR. HAYNES: They didn't ask, he just - he
21 just did.

22 MR. STEWART: What we asked before, when we
23 were down here before, we asked that the rate be \$1.35
24 on the residential is what we asked for.

25 CHAIR PORTER: We're raising it 15 cents.

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1 Okay.

2 MR. STEWART: And we got it - we got it
3 raised to a dollar, and now we're asking that you raise
4 the commercial from \$2 to \$3 and the residential from a
5 dollar to a dollar and a half.

6 MEMBER BILBREY: Okay. I wanted to make
7 sure that you did ask for it. I didn't get - I wanted
8 to make sure that we are legally - our other districts
9 are following procedure.

10 MR. STEWART: When they came - if our
11 numbers are right on --

12 CHAIR PORTER: Hang on just a second.
13 We've got two people talking at the same time.

14 MEMBER BILBREY: Okay. But I just wanted
15 to make sure that we're following the procedure that is
16 dictated to be followed.

17 CHAIR PORTER: Okay. It's going to be hard
18 people for people to understand us out here with
19 everyone --

20 MEMBER BILBREY: Yeah, I understand.

21 CHAIR PORTER: Go ahead, Anthony.

22 MS. QUESTELL: It's my - oh, excuse me.

23 CHAIR PORTER: Hang on a second.

24 Charles, are you done?

25 MEMBER BILBREY: Yes, I'm done.

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1 CHAIR PORTER: Okay. Anthony, do you want
2 to finish?

3 MR. HAYNES: I'm done.

4 CHAIR PORTER: Okay. Lynn.

5 MS. QUESTELL: It is my understanding that
6 the Johnson County District Board of Directors passed a
7 resolution this week asking for the rate increase --

8 MR. STEWART: Yes.

9 MS. QUESTELL: -- and unanimously passed
10 it --

11 MR. STEWART: Monday night we did.

12 MEMBER BILBREY: For the max.

13 MS. QUESTELL: Right, exactly.

14 MR. STEWART: Yes, Monday night.

15 MS. QUESTELL: And it was felt that because
16 we had - because they've kind of been under our purview
17 for all this time and because the - they had filed an
18 application which the board considered on May 27th and
19 that Don had updated that information - and no, the
20 audit report hadn't come in yet so there was really
21 nothing more to add to it, that it was felt that it
22 would not be inappropriate for the board to consider
23 giving them the - the rate increase that they're asking
24 for now if you chose to do so because there was really
25 not much more to add to what they - what you had

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1 already reviewed so thoroughly in May.

2 CHAIR PORTER: Does that answer your
3 question, Charles?

4 MEMBER BILBREY: Yes, I just wanted to make
5 sure that it (inaudible).

6 CHAIR PORTER: Ms. Moody.

7 MEMBER MOODY: Two or three questions.
8 Number one is: in this negotiation, I'm assuming that
9 you hope to come out with an inter-local agreement
10 which will include Mountain City, Johnson County and
11 the ECD board; is that correct?

12 CHAIR PORTER: That would be the hopes,
13 right?

14 MR. STEWART: Yes.

15 MEMBER MOODY: Okay. Second question is:
16 if the negotiation falls apart and then you finally end
17 up, after consulting with our technical consultant,
18 that Mountain City then must go on and do the
19 dispatching for themselves, then what's going to happen
20 to the rate increase? Will it stay at the maximum or
21 will it be reduced?

22 CHAIR PORTER: Well, I - I think the
23 problem they have is is that if they don't get any
24 money from Mountain City, they're going to go in the
25 red if they don't have a maximum.

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1 MEMBER MOODY: So in essence you're saying
2 then that there will be no change in the rate increase.

3 CHAIR PORTER: No, and - but now we may
4 want to go back and - and look at that. If Mountain
5 City decides to put in 50 or 60,000 or whatever they
6 wind up with the outcome and they are satisfied with
7 it, we might want to go back and look at reducing that
8 rate.

9 MEMBER MOODY: I would assume that this
10 rate increase would be - in order to be consistent with
11 all other districts that have come before us in the
12 last year or two, that that rate increase would only be
13 in effect until the results of the TACIR study.

14 MR. HAYNES: Or resulting legislation.

15 MEMBER MOODY: Or resulting legislation.

16 CHAIR PORTER: I think we put all the rest
17 of them to sunset on June the 30th of 2006.

18 MEMBER MOODY: Okay. So I would assume
19 that would apply in this case.

20 CHAIR PORTER: I think - yeah, and I think
21 we passed it the last board meeting or the one before
22 that that every rate increase would have those same
23 stipulations.

24 MEMBER MOODY: Okay. Okay.

25 CHAIR PORTER: Other questions?

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1 (Pause)

2 CHAIR PORTER: I want to make sure
3 everybody understands that we're - what we're doing
4 here.

5 MEMBER RICH: Did we ever get a second?

6 CHAIR PORTER: Yes. We have a motion by
7 you and a second by Mr. Taylor that - that we approve
8 this.

9 So what we're doing is we're raising
10 Johnson City to the max, \$1.50 and \$3. We're trying to
11 get the ECD, the county and the city to agree to
12 mediation and it would be a signed agreement that will
13 come back to us. If they do agree, then the board will
14 pay for the cost for professional mediation. That we
15 lift the requirement that we have put on Johnson County
16 to continue dispatching for Mountain City, and that the
17 district is authorized to stop dispatching for Mountain
18 City if you show - so desire after you've consulted
19 with our technical consultant, Kimball and Associates,
20 to make sure that we give a fair amount of time to
21 Mountain City to provide their own dispatch.

22 Has that pretty well got it, Anthony?

23 MR. HAYNES: I think so.

24 MEMBER MOODY: One kind of housekeeping
25 issue and that is: who's going to help them obtain the

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1 services of that professional negotiator? Is our
2 general counsel going to assume that responsibility?

3 MS. QUESTELL: I would be happy to do that.

4 MEMBER MOODY: Don't you think that needs
5 to be included in it?

6 MR. HAYNES: Yes, (inaudible).

7 MEMBER MOODY: Ookay.

8 CHAIR PORTER: Is the motion and the second
9 okay that we add that as part of the motion that our
10 general counsel would work with them to make sure this
11 all happens?

12 (Inaudible)

13 CHAIR PORTER: Any other discussion?

14 (Pause)

15 CHAIR PORTER: All in favor say aye.

16 BOARD MEMBERS: Aye.

17 CHAIR PORTER: All opposed like sign.

18 (Pause)

19 CHAIR PORTER: Motion carried. Thanks,
20 guys, for coming.

21 MR. STEWART: Mr. Chairman, I would like to
22 thank this board for your time and all your effort. I
23 would especially like to thank Mr. Haynes and Ms.
24 Questell and Mr. Don Johnson. I know they've worked
25 with Eugene and I really want to thank you all.

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1 CHAIR PORTER: And can I say something,
2 Mike, you can carry back to the Mountain City folks and
3 you back to the Johnson County folks: we would really
4 love to see y'all work this out. We said this a year
5 ago that we wanted to see you work it out. It hadn't
6 changed. But this thing is getting real old real fast
7 and we hope that y'all are not back to us anymore. So
8 I would encourage everybody up there to put their
9 differences aside and try to work to something that
10 everybody can live with, and I hope you do. And I
11 appreciate y'all coming, okay.

12 MR. STEWART: Thank you all.

13 CHAIR PORTER: If there's no objection, I'd
14 like to take about a five or 10 minute break and then
15 our next item will be the Sequatchie County request.
16 (Whereupon, a brief recess was had.)

17 CHAIR PORTER: Okay. We're going to come
18 back to order. We've got a goal to get us out of here
19 by about 4:00 or 4:30 and I'm wanting to (inaudible).

20 Our next item on the agenda --

21 And let me remind everybody that try to
22 speak directly in your microphone because I know that
23 our court reporter had a little problem with the
24 beginning of our meeting so --

25 If you have problems again, just try to

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1 wave at me and we'll get everybody to talk a little
2 louder. Okay?

3 THE REPORTER: Yours is not on yet.

4 CHAIR PORTER: You can't hear?

5 THE REPORTER: Now when you get in it I can
6 but you're --

7 CHAIR PORTER: Can you check the mics
8 again, Don, and -- I don't know if I can get it any
9 closer or not. How's that?

10 THE REPORTER: When you pull far away from
11 it, I cannot hear it.

12 CHAIR PORTER: Okay. Do you think it's
13 just this mic or --

14 UNIDENTIFIED SPEAKER: They're just poor
15 mics.

16 CHAIR PORTER: Okay. Just lo be it.

17 UNIDENTIFIED SPEAKER: Yes.

18 CHAIR PORTER: Our next item on the agenda
19 is to consider request for additional assistance by
20 Sequatchie County ECD.

21 Our folks here from Sequatchie, come on up.

22 MR. TWITTY: Yes, sir.

23 CHAIR PORTER: Would you state your name
24 for the record, please.

25 MR. TWITTY: My name is Mike Twitty

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1 Sequatchie County, Tennessee. I'd like to submit to
2 the board exhibits that the county ECD has given me
3 permission to come up here and represent them as a
4 matter of trying to resolve this issue that I've come
5 up with.

6 CHAIR PORTER: Do you have copies for
7 everybody or you just have one?

8 MR. TWITTY: I do not.

9 MR. HAYNES: Mike, you can just give that
10 to me later.

11 MR. TWITTY: Okay.

12 MR. HAYNES: No need to hand it out here.

13 MR. TWITTY: Basically what I'm doing
14 today - and I'll keep it short - is an issue of backup.
15 I learned from my law enforcement experience if you do
16 not have backup in the arena that you're in, you're in
17 trouble. And I've reached a very slippery slope and a
18 Y in the road as far as where to go from here and I'm
19 looking to the board for that backup as far as
20 direction.

21 Basically we're - Sequatchie County is
22 structured - with the equipment that we need to go
23 online, I'm going to need some more money. I don't
24 mind utilizing cardboard boxes for furniture. I don't
25 mind doing a lot of efficient issues as we have done to

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1 structure our PSAP, and the board and myself both
2 through the past few months have been in there doing
3 everything that was necessary to do until the last week
4 when we're getting down into a crunch time with having
5 our equipment installed and we had to get things
6 resolved and we've done as much as we could do. But
7 I'm running out of money. I've got various options,
8 one of which I've looked at as far as borrowing money.
9 Another is --

10 Yes, sir?

11 CHAIR PORTER: Talk in the mic.

12 MR. TWITTY: Is that better?

13 CHAIR PORTER: Yes. Thank you.

14 MR. TWITTY: One is borrowing money. The
15 other issue is delaying the implementation of the PSAP
16 to facilitate more money coming in or coming up here
17 and seeing what options the board could give me to
18 facilitate going online and then plugging these issues
19 in as I go.

20 I had a Excel spread sheet that gives
21 credibility to the cost factors that I'm looking at.
22 As I have figured, roughly I'm about \$80,000 short with
23 the portrayals that I have on the minimum purchase
24 activities that I'm looking at. The contract
25 liabilities that I have that were in place prior to my

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1 arrival, once I complete paying them out, it's going to
2 leave me strapped for cash. And then I have other
3 issues of keeping the PSAP fluid as far as electrical
4 power that is going to be to my biggest hurdle at this
5 point and time to facilitate.

6 From that, we are dispatching everything we
7 have in our county on one frequency at this time. We
8 have enumerable problems. It's like the chicken and
9 the egg: I'm looking at the county to see what they can
10 do to assist me. We had some problems in our county
11 where our mayor - former mayor resigned under duress.
12 The current mayor is very fiscally responsible. He is
13 auditing the entire county books and there are - it
14 looks like there are some very dramatic problems that
15 he's going to be facing in financing. So I really
16 can't go to him for any facilitating features at this
17 time.

18 And that's - that's my dilemma is to
19 present this to the board and see what kind of
20 direction I can get and what support that can be
21 offered from this level.

22 CHAIR PORTER: How much money is the county
23 putting into 911?

24 MR. TWITTY: At this point and time? There
25 is none.

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1 CHAIR PORTER: That sounds like that's part
2 of your problem. That's a big part of your problem,
3 isn't it?

4 MR. TWITTY: It is. It is. But what the
5 problem I have with the county level is that our former
6 mayor left under duress. The TBI was investigating.
7 There was various and sundry things going on that
8 nobody has resolved as of yet. And like I said, this
9 audit that they are currently doing will give
10 credibility to what the county can do.

11 That's my dilemma in approaching the county
12 and having this particular mayor, who is
13 business-orientated and does have a fiscal issue of
14 responsibility that he's incorporating into his
15 management style - he can't really give me credibility
16 one way or another at this point because he doesn't
17 know what he's obligated for that wasn't done in the
18 prior administration, and there are definitive things
19 that are coming up that are going to be problems for
20 him in the future to resolve past in that sense.

21 CHAIR PORTER: What about dispatchers? Is
22 the county - they're not - the current dispatchers that
23 are dispatching for 911 now?

24 MR. TWITTY: Okay. We don't really have a
25 911 system in Sequatchie County.

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1 CHAIR PORTER: Right. But the sheriff's
2 office dispatchers or whoever's doing dispatching now,
3 would those be coming under 911 when you move in?

4 MR. TWITTY: No.

5 CHAIR PORTER: Where - what's going to
6 happen to those?

7 MR. TWITTY: We have some issues within the
8 county structure. The majority of them are going to a
9 to a new justice building. The current - some of the
10 thinking in the county is in the aspect of utilizing
11 that justice center for communications. I think we
12 have resolved that issue and we have purchased our PSAP
13 and the property that it sits on and we are currently
14 putting the equipment in, but we are building this from
15 scratch.

16 I've only been on board for six months.
17 The board itself was working for approximately four and
18 a half years prior to my arrival in an attempt to
19 facilitate this, and there's been a lot of misdirection
20 that has come about because of politics. It's just
21 been a lot of horror stories that I've heard.

22 The other issue I have is raising rates
23 right now. I could come to you and say: hey, let's
24 raise rates, and that will resolve some of my problems.
25 But I have some problems with the constituents in the

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1 county who have paid their 65 cents for four and a half
2 years and have seen nothing happen. And now all of a
3 sudden we're starting to put this stuff together and
4 we're implementing and we've got the building, we've
5 got signs up and we're getting to the point of
6 implementation of it, at least accepting calls and
7 dispatching those calls, but I don't have the support
8 system.

9 I am familiar from experience with the
10 communications. I'm retired City of Chattanooga 27
11 years and I worked in communications. I've been sued
12 several times personally because of communications
13 glitches in 911.

14 One of the factors that I want to maintain
15 is the credibility of our 911 center. And the biggest
16 hurdle I have at this point and time is electric power.
17 We are a rural county. Our power structure is - ebbs
18 and flows, and it's an issue that I - I cannot operate
19 the center without a generator, and basically I've
20 gotten to the point where I just don't have the funding
21 to facilitate placing a generator out there.

22 I've explored various options in respect to
23 renting generators, utilizing some type of agreement
24 with the electric companies that are over in
25 Chattanooga who have the facilities to do that. That's

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1 possible. I do have to modify my building because I
2 have various problems with entry at this point and
3 time. There's a dual entry system on there that's
4 illegal in the State of Tennessee right now, but I do
5 fall under the grandfather, but the electric engineer
6 that came out there gave credibility that we needed to
7 consolidate that into one entry on a 400 amp system.

8 I'm researching all of these things and
9 giving a format that I can give to the board, but it's
10 an issue that I'm stymied at this moment and I'm not
11 really sure where to step and what to do. Should I go
12 seek funding from a financial institution? Is the
13 board -- If I can validate the directions that I'm
14 going - I've been working with Kimball; I'm utilizing
15 all of their mentoring to give me where to step
16 basically.

17 CHAIR PORTER: So --

18 MR. TWITTY: And that's what I'm looking
19 for now is where should I step next?

20 CHAIR PORTER: What are you asking of us?

21 MR. TWITTY: Basically I need direction.
22 If the board is capable of loaning me money, utilizing
23 or some type of facilitating feature, then I can go in
24 that direction. If they can't, then I have to go to a
25 financial institution or I have to wait for our funding

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1 to come about by the outlay that we get on our
2 landlines and the wireless each month, which if it's
3 looked at is not very much, but we can survive. But
4 these initial start-up costs are way beyond what my
5 board originally expected.

6 MEMBER MOODY: How much money are you
7 talking about?

8 MR. TWITTY: Totality with everything on my
9 list - and that's splitting the frequencies; we've got
10 fire and police on two separate frequencies - we need
11 another repeater, our valley is such that it's between
12 two mountains and we --

13 CHAIR PORTER: Hold it, Mr. Twitty. Just
14 give us a figure.

15 MR. TWITTY: Okay. \$80,000 --

16 CHAIR PORTER: Okay.

17 MR. TWITTY: -- would be the total.

18 MEMBER MOODY: How much - Anthony, how much
19 did we give Sequatchie County to start with as a start
20 grant; do you recall?

21 MR. HAYNES: They were one of eight that
22 qualified for a hundred - 100,000, up to \$100,000
23 reimbursement for both MSAG and equipment.

24 MEMBER MOODY: But you have received that
25 100,000?

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1 MR. TWITTY: Yes, ma'am, and most of it
2 went - well, all of it went to MSAG per se. We're
3 still waiting on our MSAG structure, and I can't do
4 anything with it when I get it.

5 MEMBER MOODY: What about the mapping
6 grant; didn't we give them a mapping grant, also?

7 MR. HAYNES: Part of - part of the - I
8 think the mapping, and I'll have to check the numbers
9 on that, but basically I think that also went to pay
10 for some of the data as opposed to equipment. It's -
11 it's however you'd look at them, I mean, how you would
12 split the money but --

13 MR. TWITTY: Right, and I look at it as --

14 MR. HAYNES: I think you're about 14,000.

15 MR. TWITTY: That's left?

16 MR. HAYNES: Yeah.

17 MR. TWITTY: Yes, sir.

18 MR. HAYNES: I mean, between the total of
19 150 that could be spent toward just getting the --

20 I should bring up here, Ms. Moody, I was
21 talking with Mike this morning and I would invite Curt
22 to come on up to the table, if he feels comfortable
23 doing so because he's actually made a site visit or two
24 down there, and before Mike Twitty was hired, the
25 board, like a lot of boards starting - in absence of

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1 those years ago starting in BellSouth territory where
2 they had an arbock (phonetic) holding their hand and
3 also selling equipment at the same time - had to kind
4 of go and wing it, and I - I guess probably the way I
5 understand it - and pardon me for using an analogy
6 here: MSAG sold them a product that they thought they
7 would have the tractor and the diesel to put in the
8 farm. But the problem is that MSAG delivered the
9 diesel to them in lump sum first - and the district
10 didn't know, they don't do this everyday for a living;
11 they're not E-911 professionals nor are they GESMAT
12 professionals - and they've yet to ever deliver the
13 tractor to run the diesel on. So it's kind of like
14 they gave them the end product first and left them
15 without any hardware to actually do what they need to
16 do, so they don't have a mapping system. And they
17 used --

18 And this is - we can't - I guess we could
19 fault the Sequatchie board but also, too, out of
20 fairness to them, as Curt has told me, this is a
21 typical company practice and that they've said that
22 Kimball has seen this in other states; is that not
23 correct?

24 MR. ANDRICH: Yeah, we've - we've run into
25 similar situations up in Virginia where its deliveries

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1 of data, deliveries of deliverables aren't on time,
2 things are - there's a lot of change orders that add
3 cost to the contracts. You know, eventually the data
4 all comes through but again, that's --

5 MSAG, what MSAG is selling you in that
6 first - that first bid, what they usually do, it's a
7 data package. They're going to map your county for
8 you, they're going to assign addresses to all the
9 counties - to, you know, every parcel in the county
10 that they identify, and they're going to provide you
11 with the data. They don't provide you as part of that
12 with a display system to actually use that data.

13 MR. TWITTY: If I may interject something
14 here: we're caught in a catch 22 with MSAG. We don't
15 have a facilitating aspect of the hardware to modify
16 our data in our county. And we have to pay MSAG \$21
17 for every correction that they make. And from my
18 talking with the people involved, the original concept
19 that MSAG did was not very efficient, which gave them
20 the potential for earning dollars down the road because
21 things had to be corrected. And every \$21 that came up
22 is averaging seven - \$750 a month now. We have bills
23 coming in from 500 to \$1200 for all these corrections.

24 I can do this in-house but I don't have the
25 equipment. We've got the technical expertise; I don't

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1 have the equipment.

2 MR. ANDRICH: And also I think what - Mike
3 has not been supplied with the final data product yet
4 either from MSAG, the - you know, the final like disk
5 that's got all the information on it.

6 CHAIR PORTER: Curt, can I interject
7 something in here --

8 MR. ANDRICH: Yes.

9 CHAIR PORTER: -- and let me see if this
10 pretty well covers it. The county's not putting any
11 money in down there. The city's not putting any money
12 in down there. They're trying to set up their own
13 dispatch for 911 and not utilize the existing
14 dispatchers that are there for the sheriff's department
15 that dispatch for sheriff and fire and police and
16 everything now; is that right?

17 MR. ANDRICH: It sums it up, I think, but I
18 think it's a little bit more complex. It's - it's more
19 of a political situation with the dispatchers that are
20 there at the sheriff's department that there's the
21 politics of even trying to mention that they might go
22 work for the 911 board could have repercussions with
23 them. You know, that's - that's the stories that I've
24 heard. But it's - yeah, that basically sums it up.

25 CHAIR PORTER: And the one thing - the one

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1 thing we saw - and we see in Tennessee because of small
2 counties especially - there is no way that 911 can
3 stand on its own, offer the telephone fee and - and
4 provide its own dispatchers with no help from the
5 county and city. And unless somebody knows of
6 something that I do (sic) there's not a county or - in
7 the state, yeah, that's a county in the state, you
8 know, that's a county and state that's doing that
9 they're operating totally off the 911 fee. That's -
10 that sounds like that's probably 90 percent of the
11 problem down there.

12 MR. TWITTY: We understand that but the --

13 MEMBER TAYLOR: Mr. Chairman.

14 CHAIR PORTER: Mr. Taylor.

15 MEMBER TAYLOR: And I'm sitting here in the
16 dark. I don't have diesel or a tractor. In fact, I'm
17 not even sure where the cotton patch is or what's in it
18 or the size of the fields. Could you educate me about
19 this county and who they dispatch for, how many
20 municipalities are involved, et cetera?

21 CHAIR PORTER: I'm sorry.

22 MEMBER TAYLOR: I wasn't on the board then.

23 CHAIR PORTER: I'm sorry.

24 MEMBER TAYLOR: I'm sitting here wondering
25 what the heck's going on.

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1 CHAIR PORTER: Sequatchie County was one of
2 the last four counties to come online with 911.
3 They're still not online; they're the last.

4 It sits - it's a little rural county that -
5 that sits down - Dunlap is the main city, and you've
6 got Whitwell and some of the other little cities but --

7 MR. TWITTY: Eleven - 11,370 population is
8 the census in 2000 gave credibility to. The sheriff is
9 building a new justice center they had a bond issue on.
10 He's implemented the four space four communications
11 center. That center has been a tug of war between 911
12 and the justice building.

13 We have a building we're setting up --

14 MEMBER TAYLOR: Let me ask you why there's
15 a tug of war between say the sheriff and 911 about
16 who's going to operate that thing. Are you talking
17 about central dispatch or dispatch only for the
18 sheriff's department? That's - I'm trying to - I'm
19 trying to find out what your folks' obligations are.

20 MR. TWITTY: Where the center - right,
21 where the center is going to be housed, now that was
22 under the former mayor. The former mayor resigned.

23 MEMBER TAYLOR: I got that point.

24 MR. TWITTY: Okay. And now we have a new
25 mayor and who is very supportive of what we're doing,

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1 but I cannot get a figure from the new mayor and they
2 have given credibility that they will support us in
3 every mannerism they can. But currently they --

4 MEMBER TAYLOR: Is it your contention
5 you're going to a central dispatch; is that what you're
6 going to do?

7 MR. TWITTY: Yes, sir. We --

8 MEMBER TAYLOR: For the county and - how
9 many municipalities do you have?

10 MR. TWITTY: We will do everything out of
11 this PSAP, everything.

12 MEMBER TAYLOR: For the whole county.

13 MR. TWITTY: For the whole county.

14 MEMBER TAYLOR: All the municipalities and
15 et cetera?

16 MR. TWITTY: All volunteer fire
17 departments, rescue, fire, city.

18 MEMBER TAYLOR: Do you have agreement with
19 the sheriff that you're going to do this?

20 MR. TWITTY: Yes, sir.

21 MEMBER TAYLOR: Okay.

22 MR. TWITTY: We have an agreement, also
23 have the NCIC ties signatures.

24 MEMBER TAYLOR: So basically you're ready
25 to go, you just don't have the money to complete it.

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1 MR. TWITTY: Yes, sir, I've got everything
2 lined up and down the line but I've - like I said, I've
3 gotten up to the top of this hill and it's awful
4 slippery.

5 MEMBER TAYLOR: I understand. And I have a
6 better understanding of your situation. Thank you,
7 sir.

8 MR. TWITTY: Thank you.

9 MEMBER TAYLOR: Thank you, Mr. Chairman.

10 CHAIR PORTER: Okay. Is there other
11 questions from board members? Does everybody
12 understand what we're - what the problem is here is
13 Sequatchie has been in a constant turmoil down there
14 since day one? The board even made a visit down there.
15 Some of y'all went with us and were on the board at
16 that time.

17 They started out going to get a building
18 from the schools. That fell through. They were going
19 to build a new justice center. There's - there's been
20 constant turmoil down there since day one. And what
21 he's saying is is they don't have enough money to go
22 online with 911 and he's asking us for any assistance
23 we can provide to him.

24 MR. TWITTY: Right.

25 CHAIR PORTER: Is that right?

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1 MR. TWITTY: Yes, sir.

2 CHAIR PORTER: Okay.

3 MR. TWITTY: I need something where when I
4 put my feet down - whether it be with my board, my
5 mayor or with you - that my credibility's in tact. And
6 if I've got Kimball giving me mentoring and I've got
7 your guidance, then it can give me credibility when I
8 go back to Sequatchie as far as approaching the board
9 and saying: this is what we need to do.

10 CHAIR PORTER: Okay. Do you have a
11 recommendation, Anthony?

12 MR. HAYNES: Mr. Chairman, why - why don't
13 we enter into an agreement with the Sequatchie County
14 board in much the same manner that we are right now
15 with Giles County in that we would come in and work
16 more closely and do - work hand in glove with - with
17 Mike on an assessment of what's needed. We would do
18 it - I think we've got a lot of that information
19 already.

20 And also I think, Mike, you had told me one
21 time that you don't know but you thought the district
22 would at least be open to considering - you didn't have
23 their approval but you thought they might be willing to
24 consider even borrowing the money --

25 MR. TWITTY: Yes, we - you know --

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1 MR. HAYNES: -- from like the ag
2 department, a rural development loan or something like
3 that.

4 MR. TWITTY: Right.

5 MR. HAYNES: But --

6 MEMBER MOODY: Would -- Pardon me, Mr.
7 Chairman.

8 CHAIR PORTER: Go ahead.

9 MEMBER MOODY: Based on what Anthony is
10 saying --

11 Anthony, do you think it would be possible
12 for staff and utilizing the expertise of the - of
13 technical consultant to assist and any other members of
14 the staff and then be able to come back and make a
15 recommendation to this board at our March meeting?

16 MR. HAYNES: I would - I would probably
17 even go as far as to look at a county of a population
18 of about 11,000 people --

19 MR. TWITTY: Yes, sir.

20 MR. HAYNES: -- 11,003 maybe, could - would
21 it be appropriate just to cut through the chase and -
22 and enter into this partnership? But part of our
23 agreement from - with the district would be -- I mean,
24 I hate - I hate raising his telephone fee but it's
25 obvious to me if they're going to keep paying bills in

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1 year '06, '07, '08 and '09, they're going to have to
2 have a rate increase.

3 MR. TWITTY: Right.

4 MR. HAYNES: There's not enough cash in
5 that system.

6 MR. TWITTY: Right.

7 MR. HAYNES: And maybe to get from an
8 Impala style to a Cadillac style, they could get more
9 support from the county government down the road and
10 things, once the new mayor down there gets the thing on
11 its feet, but I just don't see a positive cash flow in
12 future years to come if you don't get away from this 65
13 cents and \$2 in a county of 11,000 people.

14 CHAIR PORTER: And the other thing, too, if
15 the county and cities are not going to put anything
16 into it, I'm not for sure with a rate increase request
17 you're going to be able to make it.

18 MR. TWITTY: I think we can. I've got
19 TEMA; they've been bringing in some of their people.
20 I'm subbing out part of the building. I'm trying to
21 utilize every financial asset that I can to facilitate
22 the ESAP running efficiently.

23 And like I said, that's one of the reasons
24 I'm here because I don't want to over extend myself
25 right now and then down the road have something

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1 transpire where I'm obligated for something and I'm
2 cash strapped. I want to have a little buffer there.

3 CHAIR PORTER: Okay. How about this:
4 would the board be in agreement that we let Kimball and
5 staff work with Sequatchie County and basically put
6 together a package just like we do for a rate increase
7 request so we can see some actual numbers of what's
8 going on down there, what kind of money they're looking
9 at and everything, and then bring that back to our
10 March board meeting?

11 MEMBER LOWERY: Bring it back in March.

12 CHAIR PORTER: Would - is that something
13 y'all would - would somebody make that in a motion
14 then?

15 UNIDENTIFIED MEMBER: So moved.

16 MEMBER BILBREY: Second.

17 CHAIR PORTER: So a motion to second
18 then that --

19 Did you get that, Anthony?

20 MR. HAYNES: No, sir.

21 CHAIR PORTER: Okay. I didn't think so.

22 That staff and Curt with Kimball, y'all
23 work together to put together a package just like you
24 would for a rate increase request for Sequatchie
25 County, and any other data or recommendations or

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1 anything that y'all are going to put together and bring
2 it to us - back to us at the March board meeting.

3 MEMBER LOWERY: Including - and I think
4 just for - to keep us on track is what the money was
5 spent for up to now that was accumulated, if it was
6 accumulated, or whatever.

7 MR. TWITTY: Yes, sir, that's not a
8 problem.

9 MEMBER MOODY: I would assume you -

10 UNIDENTIFIED SPEAKER: Very good point.

11 MEMBER MOODY: -- you would include in that
12 package working with folks at the local level to come
13 up with an inter-local agreement as well as
14 recommendations from what's needed as far as technical
15 equipment and those kinds of things.

16 CHAIR PORTER: I think that'd be very good.

17 MR. ANDRICH: Ms. Moody, just so you know,
18 we've gone over the list of equipment that was ordered
19 and it - it looks like they're going down the right
20 path there. The equipment that they bought is
21 appropriate to what they want to do. It's - at this
22 point it's - like I said, they - they bought good
23 equipment. There's not any problem with that. It was
24 a - kind of a joint venture. The four counties down
25 that way are looking at buying - you know, looking to -

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1 basically they're going to have the same equipment that
2 Bledsoe County put into their center.

3 It's a few of these issues that have popped
4 up now that he's moving into a new building that has
5 really - really put the kink in this right now.

6 CHAIR PORTER: Curt, on the MSAG issue, and
7 I - all four counties has voiced the same thing; I
8 think they may have got a kind of a pig in a poke kind
9 of thing here. Do you see any recourse to go back
10 against MSAG?

11 MR. ANDRICH: I think what - what we'd have
12 to look at is what the contract - what MSAG was
13 contracted to do and if there's any recourse in that
14 contract for, you know, nondelivery of - of the data,
15 you know, if there was any type of delivery schedules
16 or anything like that. That seems to be about the only
17 way we've been able to accomplish anything in the other
18 states where we've dealt with the same - and
19 unfortunately we've found in most of those other cases
20 that was never built into the contract. There was
21 never any type of deliverable schedule, no
22 responsibility type - type thing that - that - you
23 know, if they don't make a certain deadline or if they
24 go over budget, that it's -- It's been very vague in
25 all the counties we've seen it happen in so far.

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1 CHAIR PORTER: Mike, did you raise your
2 hand?

3 MR. MANN: Yes, Mr. Chairman (inaudible).

4 CHAIR PORTER: Talk in the microphone,
5 Mike. We have problems hearing.

6 MR. MANN: We do have a contract available
7 Curt can look at. All of this occurred before Mike
8 Twitty arrived.

9 Just quickly, MSAG agreement provides a
10 display option of their Eagle software and their
11 contract had provided any other format, you know,
12 generally format; you don't have to use Eagle. So they
13 have an option price that the board could - and any
14 board could exercise at any time and I believe it's
15 like \$16,500 still in the contract price.

16 All the districts approved the - the data
17 base that was delivered and accepted. If there were
18 errors in that, MSAG made those changes at our
19 insistence because of the contract on their own nickel
20 at no cost. All new in-fields, you know, growth - and
21 Sequatchie County, although small, is growing rapidly -
22 the district is obligated to do those. And the
23 district could either maintain its own database - and
24 they have a very good addressing person - matter of
25 fact, Sequatchie's probably got one of the very best in

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1 rural areas.

2 CHAIR PORTER: I thought I was the best,
3 Mike.

4 MR. MANN: But you're second there. No,
5 that's for the upper Cumberland. This is the lower,
6 the lower Cumberland.

7 MR. HAYNES: He's less than 40 percent
8 rural, right?

9 MR. MANN: Yeah.

10 But no, really, (inaudible) Margaret Pine
11 (phonetic) has done an exceptional job on this, but if
12 they want - MSAG says - gave them a fixed contract
13 price, said: if you want to - us to do your database
14 maintenance for you, we will, but it's 17, \$20 a pop.

15 MR. HAYNES: So MSAG has fulfilled its
16 contract.

17 MR. MANN: Pardon?

18 MR. HAYNES: MSAG has fulfilled its
19 contract.

20 MR. MANN: Mr. Chairman, I would - you
21 know, I always want to hold them - their feet to the
22 fire potentially, and you know - but essentially, yes,
23 they performed what they were paid to do by and large
24 and --

25 MEMBER MOODY: Maybe it was a poor contract

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1 that was written, huh?

2 MR. MANN: Well, I'll tell you, the -
3 they - they said it was the toughest one they had. Now
4 apparently they're used to it in Virginia getting away
5 with a lot less but --

6 CHAIR PORTER: Could we show Curt or could
7 you get him copies of those contracts where he can
8 review --

9 MR. MANN: Sure, yes. Yes, we'll get -
10 we'll get him that. That is one of the issues Mike's
11 juggling right now, but his primary ones, I think, is
12 Curt and the state.

13 The good news in terms of Sequatchie - and
14 the chairman - the director knows; he's been so
15 personally involved in trying to get them over the hump
16 here, just ask the chairman, they've paid cash for
17 everything.

18 They have no debt. They do have an
19 obligation on the building of \$10,000 a year to pay off
20 that building. They've got nine more years to go on
21 that and that's it as far as what they owe. So that's
22 the good news.

23 They've got good cash reserve. Adequate,
24 actually - if they could turn on the switch but Mike
25 won't turn the switch on properly because he says it's

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1 not ready - to finance dispatch through the year. If
2 they started tomorrow and started taking calls, they've
3 got funding to pay staffing through the year, through
4 July - until July 1.

5 Now the county - and they've got, as Mike
6 stated, an excellent new county mayor down there who's
7 been - the chairman's met, Anthony's met, Lynn has
8 met - very cooperative, a very straight shooter, and
9 they are committed to provide financial support and are
10 expecting to provide financial support.

11 We've told them to expect a minimum of a
12 \$50,000 request for the budget year starting July 1.
13 We were not going to ask them for any support unless we
14 in fact needed it. The reason they - part of the
15 silver lining of delaying implementation for four years
16 was they were able to build up the cash reserves to pay
17 off all this debt so they would have no equipment debt.

18 CHAIR PORTER: Okay. So --

19 MR. HAYNES: Are there --

20 CHAIR PORTER: Go ahead.

21 MR. HAYNES: Are there any public lands
22 such as state - state lands or federal lands in
23 Sequatchie County?

24 MR. MANN: There is some --

25 MR. HAYNES: National forest lands, state

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1 park lands, state forest?

2 MR. MANN: Yes, I believe --

3 Mike, doesn't Signal Mountain - it's part
4 of Prentiss park or Prentiss Cooper state park or state
5 management area?

6 MR. HAYNES: No fed - no forest service?

7 MR. MANN: I believe that is under
8 federal - forest service.

9 MR. HAYNES: Okay.

10 MR. MANN: Is it state?

11 MR. TWITTY: Prentiss Cooper is state.

12 MR. MANN: Yeah.

13 MR. HAYNES: Mike, would you work with me
14 after this with - to see if can get in touch with --

15 The forest service has the largest civilian
16 cash anywhere in the world out of Boise, Idaho, and
17 I've literally been in it and just seen generator after
18 generator, hooked up behind an 18-wheeler, whatever.
19 There might be a deal you could work out with the
20 federal government that if you agreed to provided some
21 emergency calls, that they would loan you a portable
22 generator to meet your needs until you could get in
23 business. I wanted - as you know, I wanted to get you
24 in business before the end of January of this year.

25 But what we could do, Mr. Chairman, is - is

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1 look at those options working with Curt, with the
2 board - with the local board agreeing to work with us
3 and to pursue the rate increase, which is obvious that
4 they're going to need to have, and then also Mike and I
5 would also pursue the loan option. But try to make
6 sure that they have a - not a short-term fix but a
7 long-term cash solution so that they're not right back
8 in this same situation in a year and a half regardless
9 of support from any county or city within their
10 jurisdiction. And if they got that, that would be
11 great, but try to fix their situation a little bit
12 longer term.

13 CHAIR PORTER: We've got a motion on the
14 floor. I think we're all pretty much in agreement what
15 we're going to do. Let's try to move on, if we can.

16 Any other discussion?

17 (Pause)

18 CHAIR PORTER: Hearing none, all in favor
19 say aye.

20 THE BOARD: Aye.

21 CHAIR PORTER: All opposed like sign?

22 (Pause)

23 CHAIR PORTER: Motion carried.

24 MR. TWITTY: Thank you.

25 CHAIR PORTER: The next item on the agenda

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1 is the consider rate increase request from Unicoi
2 County. Are the Unicoi County folks here today?

3 Would you state your name for the record
4 and --

5 MR. ERWIN: Jimmy Erwin, Chairman of the
6 Board for Unicoi County Communications.

7 UNIDENTIFIED SPEAKER: Now these people are
8 real rural.

9 CHAIR PORTER: All right. What we'd like
10 to do is have you sit at the table, if you don't mind.

11 MR. ERWIN: Okay.

12 CHAIR PORTER: And your other folks are
13 welcome to come up with you.

14 MR. ERWIN: With me is the director of 911,
15 Patsy Ledford, and our secretary/treasurer, Bill
16 Bailey.

17 CHAIR PORTER: We'll handle this rate
18 increase request like we normally do all of our others.
19 We've kind of got a little bit of a format we go by.

20 Don, you're first on the agenda and if
21 you'd provide us with kind of an overview of your
22 package.

23 MR. JOHNSON: Okay. Unicoi County is here
24 for a rate increase. And their population is 17,667.

25 CHAIR PORTER: Don, we can't hear you.

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1 MR. JOHNSON: Okay.

2 CHAIR PORTER: You've got to almost eat it
3 to get into it.

4 MR. JOHNSON: Okay. How about this?

5 CHAIR PORTER: That's good.

6 MR. JOHNSON: Okay. The population for -
7 as of census 2000 is 17,667. They are a Tier V county
8 and they're here today for - to raise their rates to
9 \$1.50 residential and \$3 business. They've had the
10 rate of 65 cents and \$2 every since June of 1995, and
11 if they were to raise their rates to the maximum, they
12 expect to have approximately additional revenue of
13 \$139,000.

14 They want to use this additional revenue to
15 purchase a CAD system and for salaries and daily
16 operations cost. They plan to purchase the CAD system,
17 which is - they approximate that cost to be about
18 \$300,000, and they should have it paid off by the year
19 2011. That's when they would expect to reduce the
20 rate.

21 On page two it gives you a list of the
22 agencies that they offer support. And as far as
23 employees, they're county employees and they have one
24 director, a lead supervisor, four full-time dispatchers
25 and four part-time dispatchers. They have, I would

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1 say, about an average salary of about 19,300 and they
2 want to at least increase the salary by a thousand in
3 order to be pretty much competitive with the
4 surrounding counties. With this increase also, they
5 would like to hire two more - two additional dispatch -
6 full-time dispatchers within the next six months.

7 If they are rejected from this application,
8 they would have to try to get a salary supplement from
9 the county, and any other additional things such as
10 cutting part of their budget.

11 You also have a breakdown on number 17 of
12 their following revenue. And they have an outstanding
13 debt of about \$300,000 and this debt is going to pay
14 for the CAD system, their ORBACOM CAD system, and the
15 district will repay the county back at 3.4 percent
16 interest over five years.

17 They have three 911 lines and four
18 administrative lines and their service provider is
19 Sprint. As of December 2004, their landlines was, for
20 residential, 7061; business they had 1580.

21 On Table Four, which is page seven, it
22 gives you a comparative of the revenues and expenses
23 all the way back from two-thousand and - well, year
24 2000 to 2004, and if you look at 2003 and 2004 down
25 where it has the change in net assets, you already see

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1 that they're already running in a net loss, and it all
2 depends on what it would be in 2005, which is this
3 fiscal year, how they would actually be running. They
4 might be back here anyway. So - and that's with their
5 current rate that they have right now.

6 As far as their audit reports, they've
7 cleared up a lot of their findings that they've had and
8 the only findings that they do have is - like all the
9 other districts is basically over expenditure of their
10 budgets. In their five year projection, which is Table
11 Five - and Table Five is on page 10 - if they were to
12 get the increase, they would - it would probably go
13 into effect in March of this year, and with that, in
14 fiscal year 2005 they would pretty much end up with
15 increase of change in net assets to 50,686. That's
16 with - if they didn't get that increase, they would
17 probably end up with a revenue of \$90,000, and if they
18 did get the increase, their revenue would increase to
19 \$120,000.

20 They have an inter-local agreement with the
21 county as far as with the equipment that they've got on
22 the ORBACOM equipment. Their increase would continue
23 all the way through year 2009, which they project that
24 they would have - if they didn't get the increase, they
25 would have 89,996. Without the increase it would be

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1 183,978, and they would expect to have a change of net
2 income of 4656.

3 In my analysis that I used with the \$1.50
4 residential and \$3 business, I come up with basically
5 about the same as what they did. My change in net
6 assets in 2005 is 58,361, and also it would continue to
7 have a positive change in net assets all the way
8 through 2009 at 6109. The ending net assets for fiscal
9 year 2009 is projected to increase to 387,726, and
10 ending cash balance for fiscal year 2009 is projected
11 to be 118,857. Okay. And that's all I have.

12 CHAIR PORTER: Does anybody have any
13 questions of Don on his packet he put together?

14 That's some good work, Don.

15 MR. JOHNSON: Thank you.

16 (Pause)

17 CHAIR PORTER: Hearing none, Curt, do you
18 want to come and give us your technical overview?

19 MR. ANDRICH: Yes. A member of the Kimball
20 staff visited the Unicoi County dispatch center
21 December 7th and conducted a site visit and took a look
22 at the entire center. The center itself is - at the
23 time that we were there, they - they couldn't give us a
24 number of calls that they're handling right now due to
25 some equipment problems they're having, but looking at

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1 their historical trends of how their number of calls
2 for service are growing, over the past years from 2001
3 to 2002 it increased by almost 16,000 calls for service
4 extra that they had to handle.

5 As Don stated, that a couple of the major
6 things that they're looking for the increase for are to
7 help pay off the debt on the computer aided dispatch
8 system and also for additional personnel for salaries.
9 Based on looking at what they've got, it - they're -
10 they are in definite need of hiring at least two more
11 dispatchers to handle the work load. They are also in
12 definite need of looking to increase the number of
13 radio frequencies that they use for dispatch due to
14 congestion, and they are also looking to try and
15 separate the call taking and dispatching functions to a
16 more suitable area of the building to help streamline
17 it.

18 The county has got one thing that was noted
19 to us that it could be a major problem if it comes up
20 is that 52 percent of the county is owned by the state,
21 which is going to put a definite crimp in the future of
22 any increases in the number of lines coming in there.
23 They have said that they are getting a big increase in
24 wireless calls. Interstate 26 carries a lot of traffic
25 through there and they also have a - a very high

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1 profile - I believe it's a federal facility with the
2 nuclear fuel service that does add to their work load.
3 But from everything we could see from what they're
4 asking for and what they're intending to use the money
5 for, the increase that they're requesting appears to be
6 justified.

7 CHAIR PORTER: Is there questions of Curt
8 on the technical side?

9 (Pause)

10 CHAIR PORTER: Curt, can I ask a question
11 and --

12 MR. ANDRICH: Yes.

13 CHAIR PORTER: -- I'll start with you.

14 And Patsy, if you - if he can't, I'll ask
15 you.

16 Their call volume, you had problems with
17 figuring out calls and everything. Is that attributed
18 to the ORBACOM CAD system?

19 MR. ANDRICH: No, that was --

20 CHAIR PORTER: No.

21 MR. ANDRICH: I'll let - the note that I
22 have in here is that their - the resolution of that is
23 being worked on as they move into the new space, and
24 they could probably give you an update on it.

25 MS. LEDFORD: Our recorder and then our -

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1 our computer that Sprint has not updated, and when we
2 called them -- You know, it just quit. I can't get any
3 numbers out of it at all now. I mean, it's locked up.
4 And they informed us that it was going to cost five or
5 \$6000 to fix it.

6 Well, we're going into the new system
7 with - within the next two to three weeks so we - so we
8 didn't see any reason then throwing it away, the five
9 or \$6000, to try to just update this just to last until
10 we got into the new system, which next week our new
11 system should be in place.

12 CHAIR PORTER: So you're just now fixing to
13 go online with the new ORBACOM CAD.

14 MS. LEDFORD: With the new ORBACOM, yes,
15 sir.

16 CHAIR PORTER: Okay.

17 MR. ANDRICH: Right, that was - according
18 to the report, it was installed in 2004.

19 CHAIR PORTER: Okay. Questions of Curt.

20 MEMBER LOWERY: You're talking about
21 ORBACOM CAD now or --

22 MR. ANDRICH: It's an ORBACOM - ORBACOM
23 CAD system. The telephone system there is a Positron,
24 Positron Lifeline One and it's been in since 1998.

25 CHAIR PORTER: Other questions?

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1 (Pause)

2 CHAIR PORTER: Thank you, Curt. Appreciate
3 it.

4 MR. ANDRICH: Ookay.

5 CHAIR PORTER: Now comes the time that the
6 district can present anything you want to present or
7 make any statement you'd like to make so I'll turn the
8 floor over to y'all.

9 MR. ERWIN: The communications district
10 from Unicoi County, you know, we're not in it to make
11 money. The county is owned 50 to 52 percent by the
12 federal government and state government. We have got a
13 tax rate, probably the highest in east Tennessee, of
14 two-forty-nine and that puts a burden on what money can
15 be disbursed to other agencies.

16 And 10 years ago when we first voted in 911
17 and got things going, things have worked real well and
18 we've really managed, and we appreciate the technical
19 assistance and everyone who's helped us from this
20 board.

21 Like they said, we - the increase will go
22 into the system and just provide a better service for
23 the county.

24 CHAIR PORTER: Can - in the way that -
25 looking at your budget numbers, too, if you don't get a

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1 rate increase - y'all have been headed downhill. In
2 the last two years you've had - averaging about \$33,000
3 in the hole each year?

4 MR. ERWIN: If we don't get the increase,
5 we probably could make it another six months but we're
6 going to start running in the red. And turning back to
7 the county, the funds are not there so we could be in
8 some bad trouble then.

9 CHAIR PORTER: Questions from the board
10 members of the Unicoi folks?

11 MEMBER BILBREY: Let me ask a couple of
12 things.

13 CHAIR PORTER: Mr. Bilbrey.

14 MEMBER BILBREY: On your five year plan,
15 excuse me, operating expenses, you've got contract with
16 government agencies of like 70,000 a year there. What
17 are those? What are those contracts? And then you've
18 got one for impact payments.

19 MR. ERWIN: Let me look at that and see
20 here.

21 MEMBER BILBREY: It's a line item, yeah.

22 CHAIR PORTER: What line item number would
23 that be, Charlie?

24 MEMBER BILBREY: The line item is 4207 for
25 the contract with government agencies and the impact

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1 payments is 4215.

2 MS. LEDFORD: Oh, this is where we've --

3 MEMBER BILBREY: Your expenses.

4 MS. LEDFORD: Yeah, that right there, the -
5 this is where through the county we have borrowed
6 \$300,000 to pay for the ORBACOM system and the county
7 got it at a rate of 3.4 percent so we have to pay this
8 back, a balloon payment --

9 MR. ERWIN: That'd be our payments back to
10 the county for the money that they loaned us to buy the
11 new ORBACOM system.

12 MS. LEDFORD: We'd have to contract through
13 them where we're paying the money back to buy --

14 MEMBER BILBREY: That's your equipment.

15 MS. LEDFORD: Yes, sir.

16 MR. ERWIN: Yes.

17 MEMBER BILBREY: How about the impact
18 payments?

19 MS. LEDFORD: Well, that's what we're
20 paying - you know, instead of giving it to the county,
21 I guess - you know, through this the county will take
22 the money but that's the payment once a year that we're
23 paying, if I'm not --

24 Isn't that what he's talking about?

25 CHAIR PORTER: Don, have you got something

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1 you want to add?

2 MR. JOHNSON: Charles, on page four, it
3 gives - down at the bottom it gives you the payments
4 and it matches up with that - with that line item 4207.
5 Those are the - those are the type of payments that
6 they're paying back to the county.

7 CHAIR PORTER: The county loaned you the
8 money basically to buy the system and you're paying
9 them back over a five year period.

10 MR. ERWIN: Yes.

11 MS. LEDFORD: We went and borrowed it for
12 it, yes. Yes, sir.

13 MEMBER BILBREY: So that's those impact
14 payments.

15 MR. ERWIN: Right. The county did a
16 capital outlay for us to purchase the equipment.

17 CHAIR PORTER: As far as dispatchers, are
18 those 911 employees or are they county employees?

19 MR. ERWIN: County employees.

20 CHAIR PORTER: And the way I understand it,
21 the county furnishes all the dispatchers? That's what
22 they kick in the 911?

23 MR. ERWIN: Yes.

24 CHAIR PORTER: Have you got an estimate of
25 about how much that is a year that they're probably

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1 putting in for dispatchers?

2 MR. ERWIN: Bill, would you ballpark?

3 MS. LEDFORD: More than three salaries
4 right now. About a \$100,000 a year they're paying.

5 MR. ERWIN: About \$100,000.

6 CHAIR PORTER: So if you wasn't getting
7 \$100,000 from the county, y'all would have already been
8 in the red already, right?

9 MS. LEDFORD: Are you kidding?

10 CHAIR PORTER: Just another example of
11 where the county's putting in the 911 and --

12 MS. LEDFORD: Oh, yes, and it's --

13 MR. ERWIN: And that's where we inherited
14 where we dispatch for the sheriff's department and them
15 salaries were allocated to the sheriff's department,
16 and then it just went into the allocation of 911. Kind
17 of just transferred over.

18 CHAIR PORTER: Ms. Moody.

19 MEMBER MOODY: Are those dispatch employees
20 really employees of 911 district or are they employees
21 of the county?

22 MS. LEDFORD: Well --

23 MR. ERWIN: Really employees of the county.
24 The way our district's set up, it falls under the
25 sheriff's department where we inherited the dispatch of

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1 the sheriff's department and the fire department and
2 stuff.

3 MS. LEDFORD: And the police department.

4 MR. ERWIN: And the police department.

5 Those are county employees but they fall under the
6 regulations of 911. I don't know if that sounds right
7 or not but --

8 MEMBER MOODY: In other words, you're
9 saying they're county employees but they're assigned to
10 the 911 district for dispatch purposes.

11 MR. ERWIN: That - that - that would be a
12 good way to say it, yeah.

13 MEMBER MOODY: Okay.

14 MR. ERWIN: We're set up a little bit
15 different, the way we're set up. We probably do a
16 little bit more than some other districts do just to
17 make it work and be the best it can be for the county.
18 And we - and one of the things sitting here today I'm
19 more grateful for than I realized before I walked in
20 here: our city and county at this time get along great,
21 and the sheriff's department and police department and
22 fire departments, we've got a great working
23 relationship --

24 MS. LEDFORD: Highway patrol is the same.

25 MR. ERWIN: Highway patrol.

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1 MS. LEDFORD: Yes.

2 MR. ERWIN: And we're thankful for that
3 once we saw some other things going on in the state.

4 MEMBER MOODY: The building, I noticed the
5 photographs in the material, is that - what is that
6 building?

7 MR. ERWIN: It's the courthouse annex. The
8 upstairs part is the jail. It belongs to the county.
9 The sheriff's department is housed in half of it with
10 the sheriff and investigators, and the office that
11 we're actually going to be moving into used to be the
12 secretary's office. We're gaining probably another 250
13 to 300 square feet where we're moving setting up the
14 new ORBACOM system.

15 MEMBER MOODY: Do you have to pay any rent
16 or anything for those --

17 MR. ERWIN: We pay some utilities because
18 it comes underneath the sheriff's department. He pays
19 the utilities and we kind of reimburse for that and we
20 do some of the work kind of out in trade.

21 When we did the - set up the new 911 in
22 that office, to save some money - ORBACOM wanted like
23 \$15,000 for the furniture and stuff - Bill and some
24 other fellows come in and built it for almost nothing,
25 to make it a nice custom. So we've cut as many corners

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1 as possible.

2 CHAIR PORTER: But you don't pay any rent
3 to the county --

4 MS. LEDFORD: No, we don't --

5 MR. ERWIN: We don't pay any rent to the
6 county.

7 CHAIR PORTER: So they're furnishing the
8 building and the dispatchers.

9 MR. ERWIN: Yes.

10 CHAIR PORTER: Other questions?

11 MEMBER BILBREY: Yes. Can I go back - I
12 understand now your - you know, the contract with the
13 government agency, but I want to go back to that impact
14 payment: 4215 on that five-year plan, the first year
15 2005 with an increase you're paying \$30,000; without
16 the increase 30,000. Then we go with an increase, it's
17 55,000 in the next year and nothing without an
18 increase, then it goes to 90,000, 90,000, out to fiscal
19 year 2009 with an increase of about \$100,000. What is
20 that?

21 MR. ERWIN: I believe, if I'm wrong - or
22 not wrong, that's for the new employees.

23 Is that correct?

24 MS. LEDFORD: Yeah, he added the county --

25 MR. ERWIN: For additional employees?

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1 MEMBER BILBREY: Impact payments.

2 CHAIR PORTER: What they're doing, Charles,
3 I think - and Don will correct you if wrong - is
4 they're reimbursing the county at the end of the year
5 for those salaries, is that --

6 MR. JOHNSON: The \$30,000 grant, they're -
7 they're using that and reimbursing the county back for
8 that --

9 MS. LEDFORD: Employee.

10 MR. JOHNSON: Two just employees that
11 they've -- In other words, they're paying for those two
12 employees.

13 MEMBER BILBREY: With the increase.
14 Without the increase you're not going to do that.

15 MR. JOHNSON: No, no, they're getting the
16 grant for - the \$30,000 rural dispatcher grant --

17 MEMBER BILBREY: Okay.

18 MR. JOHNSON: -- okay, that's going to pay
19 for two additional employees.

20 MEMBER BILBREY: Okay.

21 MR. JOHNSON: And it's - what it is, since
22 they're county employees, they're giving that 30,000 to
23 the county for those two employees.

24 MEMBER BILBREY: Okay.

25 MS. LEDFORD: They write the checks.

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1 we won't be adding two dispatchers to our center.

2 (Inaudible)

3 MR. JOHNSON: Okay. No, I didn't --

4 CHAIR PORTER: Does that get you, Charles?

5 MEMBER BILBREY: I guess.

6 MEMBER MOODY: Mr. Chairman, I would move

7 that this rate be approved and all of the conditions

8 that we've stipulated on other rate increases in the

9 past be applied to this, also.

10 UNIDENTIFIED: Second.

11 CHAIR PORTER: So a motion to second that

12 we approve the rate increase request for Unicoi County

13 with all the stipulations that's been applied to all

14 the other requests. Is there discussion?

15 (Pause)

16 CHAIR PORTER: Hearing none, all in favor,

17 say aye.

18 THE BOARD: Aye.

19 CHAIR PORTER: All opposed like sign.

20 (Pause)

21 CHAIR PORTER: Motion carried.

22 Sometimes you've got to see and hear about

23 the bad to appreciate the home but y'all look like

24 y'all are trying to do a good job up there and we --

25 MS. LEDFORD: Thank you so much.

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1 MR. ERWIN: Thank you.

2 CHAIR PORTER: It's good to see districts
3 that are working with their county governments like
4 this, and good luck to you.

5 MR. ERWIN: And we appreciate y'all's
6 assistance.

7 MEMBER LOWERY: They amaze us, Mr.
8 Chairman, all the time up there - they're our
9 neighbors - and how they survive up there and keep
10 going, just like they squeeze money out of --

11 CHAIR PORTER: That speaks - that speaks
12 really good for them, doesn't it? It speaks really
13 good.

14 MS. LEDFORD: Thank you.

15 CHAIR PORTER: Thank you.

16 The next item on the agenda is consider a
17 rate increase request for Grainger County, and if the
18 Grainger folks would come up

19 Okay. You want to introduce yourself and
20 who you have with you?

21 MR. HOLT: Okay. My name is Randy Holt.
22 I'm the director of Grainger County 911. With me is
23 Mr. Tommy Gilliland. He's our chairman.

24 CHAIR PORTER: Okay.

25 Don, you're on.

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1 MR. JOHNSON: Okay. Grainger County is
2 here for a rate increase. Their population as of the
3 U.S. - 2000 U.S. Census is 20,659. They are a Tier IV
4 district and they're here for a - to request a rate
5 increase for \$1.50 residential and \$3 business.

6 They are - they've had this - the 65 cents
7 and \$2 rate every since July 10th of 2001. They are
8 one of those districts that have just come online, and
9 with the rate increase they would like to use it to
10 generate more revenue for their operating budget. And
11 their current phone rates only generate approximately
12 20 percent of their operating budget as of right now.

13 With that increase they expect to have an
14 additional revenue of \$88,000 per year. And like I
15 said before, they wanted to have that for their
16 operating budget.

17 On page three it gives you a list of the
18 agencies that they dispatch to. And they don't have
19 much call volume information here because they are -
20 they are a new district. And they have apparently a
21 director, a lead supervisor, one shift leader and eight
22 time full-time - I mean, eight full-time dispatchers
23 and four part-time dispatchers.

24 On page four gives you a breakdown of all
25 their - of their call volume that they have from

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1 various agencies.

2 The employees are employees of the district
3 and their dispatch salaries range around 23,842 and
4 that - that includes benefits of 1694.

5 If they are not able to get the rate
6 increase, they would have to - they project that they
7 would have to discontinue dispatching and become only
8 an answering point that transfers calls.

9 They don't have any debt. And on page six
10 gives you a breakdown of their revenue of residential
11 and commercial ever since they've started in October of
12 2003.

13 They have seven 911 trunks and six
14 administrative trunks. Their service provider is
15 Frontier Communications and BellSouth.

16 As far as their number of customers, as of
17 September 2004 they had 8252 residential - customers
18 and 1036 business customers.

19 On page eight gives you a written
20 explanation of what they plan to do with the increase
21 all the way through 2009. There's really not much to
22 talk on this one because we don't have much data to go
23 with.

24 CHAIR PORTER: That's okay, Don. You can
25 be brief.

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1 MR. JOHNSON: Okay. As far as their - the
2 last couple of audits, the 2004 audit hadn't fully been
3 completed so we - I had to get a preliminary audit from
4 the auditor. So they - from what I can get was
5 they've - their only findings were over expenditures,
6 like all the other districts that we have.

7 As far as their five year projection plan,
8 in fiscal year 2005 they expect to - if they didn't get
9 the increase, they would have 87,500, and if they did
10 get the increase, they expect their revenue to be
11 126,500. The change in net assets is projected to be
12 52,615.

13 They would have - continue to have an
14 increase - additional revenue all the way through 2009
15 with - if they didn't get the rate increase, they would
16 end up at \$91,000. If they did have the increase, they
17 would - in 2009 they would end up with revenue of
18 183,500, and the change in net assets would be 4700.

19 In my analysis on page - I mean, on Table
20 Six, the district would have a net asset of a negative
21 89,459. And let me tell you right now, the reason for
22 the big difference on that net asset is that I went by
23 the auditor's report, which the - I think it was the
24 start-up money and the - let's see, what else was it -
25 the GIS mapping, the auditor had already put that in

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1 the '04 fiscal year and Mr. Holt had put it in as the
2 date that he received it. He received it in July so he
3 put it in on this current fiscal year. That's why we
4 have a difference in the funds, in the money so --

5 And they would continue with a negative
6 change of the net asset of 173,000 all the way through
7 fiscal year 2008, and it is projected a positive change
8 of net assets of 2527 in the fiscal year 2009. Their
9 net assets would - is projected in 2009 to be 580,964
10 and their net - their cash balance is projected to be
11 295,367 (sic).

12 CHAIR PORTER: Don, is that - is your -
13 that 34 percent decrease in the telephone revenue, is
14 that correct, in one year? I'm on page five. We were
15 looking at that, and that's a humungous decrease from
16 one year to the other and I just wondered if there was
17 a - maybe a good explanation. Was there some kind of
18 big factory shut down that had a lot of lines or was
19 there something that -- In '03, you've got 138,495 and
20 then in '04 you've only got 91,664 --

21 MR. JOHNSON: Yes.

22 CHAIR PORTER: -- which is --

23 MEMBER MOODY: The budget also reflects it
24 in that manner, too.

25 MR. JOHNSON: Yeah.

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1 CHAIR PORTER: Randy, is there --

2 MR. HOLT: Yes, there is an explanation for
3 that.

4 CHAIR PORTER: Okay.

5 MR. HOLT: A lot of our - of our monies
6 were basically held in escrow at the county until we,
7 you know, actually went to work.

8 CHAIR PORTER: Y'all were one of the final
9 eight, weren't you? I forgot about that.

10 MR. HOLT: Yes, we were.

11 CHAIR PORTER: Okay.

12 MR. HOLT: So we received at one time like
13 a \$63,000 lump sum that had been laying in escrow.

14 CHAIR PORTER: So y'all really hadn't seen
15 that kind of landline decrease, that's just a --

16 MR. HOLT: Oh, no, no.

17 CHAIR PORTER: Okay. Does everybody
18 understand what - them being one of the last counties,
19 their money was held until they actually got a 911
20 district voted in and formed?

21 Any other questions of Don?

22 MR. JOHNSON: The same goes with their
23 wireless revenue. It was set aside.

24 CHAIR PORTER: Y'all held that also for
25 them, right?

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1 MR. JOHNSON: Yes.

2 CHAIR PORTER: Okay. Hearing no other
3 questions, Curt, do you want to - do you have anything
4 to --

5 MR. ANDRICH: This is a - a county we have
6 not been out to visit yet. We --

7 Right, they're scheduled to be visited next
8 week. One of our staff members will be out there to
9 take a look at the center and go over all the different
10 equipment.

11 MR. HAYNES: That's - Mr. Chairman, I just
12 have - that's staff's oversight. We - we got to
13 looking around at each other a couple weeks ago and
14 realized that Don thought I did it; I thought Don did
15 it and Don didn't know what else to expect. So it
16 was --

17 We - we have that measure clear so it won't
18 happen again but it's staff's fault that you don't have
19 a site visit report before you, and that will be taken
20 care of next week.

21 MR. ANDRICH: Next week, correct.

22 CHAIR PORTER: Okay. Randy, you all have a
23 statement you want to make?

24 MR. HOLT: Well, just quite briefly, we
25 think the figures will stand for themselves. Grainger

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1 County is a rural county. We - with the help of the
2 grants is how we've got the equipment and basically
3 have our 911 center up and running. But to stay at the
4 level of service that we are now is why we need that
5 increase, to keep two dispatchers 24 hours a day.

6 The county is in a pretty good financial
7 burden of its own. They're in the process of building
8 a new federally mandated justice center.

9 In the last two years, the tax increase has
10 been over 75 cents. They're probably looking at
11 another 25 cents next year just to staff the new jail.
12 And they're in the process of building a new high
13 school that they've done projected another 25 cents.
14 So they're looking at 50 cents over the next two years.

15 CHAIR PORTER: Just for the other board
16 members, and correct me if I'm wrong, the way that
17 y'all were able to put 911 in to start with, y'all got
18 a - was it a block grant?

19 MR. HOLT: Yes, sir, it was.

20 CHAIR PORTER: And that was what, like
21 300,000 or something like that?

22 MR. HOLT: Three-hundred and four thousand.

23 CHAIR PORTER: That paid for them to put
24 their 911 center in, pay for the equipment and
25 everything, otherwise they wouldn't have had the money

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1 to put their 911 in to start with; is that right?

2 MR. HOLT: That's correct.

3 CHAIR PORTER: Okay. Was that a federal

4 block grant?

5 MR. HOLT: Community development, yes.

6 MEMBER BILBREY: It's federal.

7 CHAIR PORTER: Okay. Questions of the

8 district?

9 (Pause)

10 CHAIR PORTER: Okay. You've heard the

11 report of Don and from the district. What's the rule

12 of the board?

13 MEMBER LOWERY: Move we approve it.

14 CHAIR PORTER: Do I have a second?

15 MEMBER VICKERS: Second.

16 CHAIR PORTER: I'm going take Ms. Cobb over

17 here; I got her first.

18 MS. QUESTELL: May I interject, please?

19 CHAIR PORTER: Yes.

20 MS. QUESTELL: Could you consider making

21 the motion subject to a favorable site visit?

22 CHAIR PORTER: Yeha, a site visit. Is that

23 okay with the --

24 MEMBER LOWERY: And also to --

25 CHAIR PORTER: The same stipulations as the

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1 rest of them?

2 We have a motion to second that we approve
3 the request for Grainger County for the rate increase
4 request with the stipulations that's been set on all
5 the other districts and with the site visit being done
6 by Kimball and Associates.

7 Is there a discussion?

8 MEMBER MOODY: I assume we will get a
9 report back from Kimball staff on any of their findings
10 on the site visit?

11 MR. ANDRICH: We should - should have it to
12 you within two weeks.

13 MEMBER MOODY: Okay.

14 MR. ANDRICH: Okay.

15 CHAIR PORTER: I want to say, I've worked
16 with Randy quite a bit over the last couple of years
17 and - and those folks up there have really tried hard,
18 and they --

19 I feel for you, and that being such a small
20 rural, poor county, I - you've done great to get to the
21 point you have.

22 And I think they're very sincere in what
23 they're doing. No discussion?

24 (Pause)

25 CHAIR PORTER: All in favor say aye.

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1 THE BOARD: Aye.

2 CHAIR PORTER: All opposed like sign.

3 (Pause)

4 CHAIR PORTER: Motion carried.

5 MR. HOLT: Thank y'all very much. And I -
6 I would like to invite y'all up to come and see our
7 center. We're very proud of it. We are going to be
8 moving into the new justice center when it's done. The
9 county is going to furnish us a place there but --

10 As I said, we're very proud of what we've
11 got and I invite y'all up any time.

12 CHAIR PORTER: Thank you, Randy. We
13 appreciate y'all coming, and good luck to you.

14 We have one item I think Anthony would like
15 to bring back up that we discussed on Sequatchie County
16 earlier.

17 Mr. Twitty, could you come back up, please?

18 At Anthony's request, he'd like to bring
19 something to you on the Sequatchie that they've worked
20 out since we discussed that.

21 MR. HAYNES: Thank you, Mr. Chairman.

22 One of the - one of the options that I
23 thought that might be worth discussing here - and I
24 don't know how the board would feel about this, but I
25 think it's certainly worth considering - and I checked

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1 it out with counsel first to see if there were any
2 glaring problems, but obviously we would go back and
3 take a very fine read and reread of the law to make
4 sure that there wouldn't be any problems with it -
5 but recognizing the catch 22 situation that Mike's in
6 and the operations politically, financially and
7 operationally there, one of the potential options would
8 be - and I'll just throw this out, and I've kind of
9 made some notes here just to summarize it so that it
10 kind of represents all the parties' interests, I
11 think.

12 The emergency communications board, this
13 board, would provide a special one-time form of
14 financial assistance of \$30,000 to be combined with any
15 and all other financial resources, revenues, loans --

16 Whatever you could get your hands on, Mike,
17 basically what that would be, for securing a generator,
18 trunks and anything you else - you need to get just
19 basically online with the service as soon as possible.
20 And the Sequatchie - and we would do this consensually
21 with the district --

22 So Mike, if I get to running too fast here,
23 let me know; you need to write this down - but what I
24 would propose, that in return we would enter a
25 consensual relationship in much the same way we have

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1 with Giles County --

2 MR. TWITTY: Right.

3 MR. HAYNES: -- and we would continue with
4 the technical assistance. But in doing that, the ECD
5 would agree to forego eligibility of the rural
6 dispatcher assistance grant for the first year, which
7 is \$30,000; work in a consensual relationship with the
8 state board, agree to seek a rate increase to address
9 the long-term financial needs to be heard as early as
10 March at the March ECB meeting - that's in the next
11 couple of months - and then finally, secure and install
12 a generator and all the equipment that you need to come
13 online with the E-911 service by March 1, working with
14 us on that.

15 And course, I need just for the record here
16 to point out the reason that staff would even propose
17 you to consider this - and I would not want to open up
18 the door to all the other districts in the state to -
19 kind of like General Motors does: do you want low cost
20 financing or do you want cash back? We don't ever want
21 to get in the situation with the rural dispatcher
22 assistance grant, because that was created just for a
23 reason to target it towards human resources - but
24 arguably this is the very last district in the State of
25 Tennessee and county that is not enjoying E-911

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1 service, not even on landline.

2 And you're in a hump, you're in a catch 22
3 situation of not really having the cash, not being in a
4 political situation to really do better, at the same
5 time, are bringing that line on service. And I would
6 think that given the board's authority within the law
7 to pro --

8 Is it provide or ensure E-911 service for
9 the citizens of the state?

10 MS. QUESTELL: It is establish.

11 MR. HAYNES: Establish.

12 The board is well within its authorities to
13 try to help in doing this to say: okay, out of
14 fairness, it's \$30,000 that some of the others will get
15 but you're going to forego what you would be eligible
16 for in return to get this short-term financial
17 assistance.

18 Is it fair to say, Mike, you and I talked
19 about those things out in the hall just a minute and --

20 MR. TWITTY: Right.

21 MR. HAYNES: -- that's something you'd feel
22 comfortable taking back to your board if this board
23 were --

24 MR. TWITTY: It is because I can plug some
25 of the holes I have in my bucket right now that's

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1 draining me dry, and it will give me an option to get
2 up and running and develop my credibility within the
3 county, and then from that platform I can deal with the
4 governmental agencies within the county structure. By
5 that time, they will have completed their audits, they
6 will know what their fiscal issues are.

7 They've already committed to assist us but
8 they're just unsure what they've got, that they're
9 dealing with past issues, trying to correct them, so it
10 buys that time.

11 MR. HAYNES: And if - if the board were
12 supportive of this - I think the way the law was
13 rewritten last year - and correct me if you think I'm
14 wrong, general counsel - but I think that we could, in
15 working with - with Kimball and Associates and the 911
16 district, secure those items that are needed to bring
17 the PSAP online, and without even causing a burden to
18 the district have those invoices/have those bills sent
19 directly to the state board and I be able to pay those
20 as if they were invoices for cost recovery or whatever,
21 provided you all authorize that here today and they
22 fulfill what you want out of them as part of the
23 stipulations.

24 CHAIR PORTER: Okay.

25 MR. HAYNES: And that's just - it's just a

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1 from happening here? How do you propose preventing
2 (inaudible).

3 MR. HAYNES: Just tell them no and lay the
4 law down today and why this case is unique and
5 different. And they may still come and ask for it and
6 they may still - but you could, I think, legally say
7 no, in treating like things alike, and this would be
8 unlike because this is a one unique situation that the
9 board recognizes that it is a catch 22 situation to
10 establish the service. That is not the case in any
11 other county or district in the State of Tennessee.

12 MEMBER MOODY: Mr. Chairman, in order to
13 make a motion to recommend Anthony's proposal, is there
14 any need for changing or amending any action that was
15 taken earlier today?

16 CHAIR PORTER: I don't think so.

17 Would there be, Anthony? We'd still work
18 on everything else as we were doing already. This
19 would just be in addition to.

20 MR. HAYNES: Well, that is folded into. I
21 tried to encompass that in - in what I just read.

22 CHAIR PORTER: That's what I'm saying.

23 MR. HAYNES: Yes.

24 CHAIR PORTER: We'd be doing everything
25 else you've already planned on doing except adding this

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1 to it, right?

2 MR. HAYNES: And we would track this up in
3 a consensual agreement that would be signed by the
4 board that - just like Giles County, and it would be
5 well spelled out and who will be doing what. And we'd
6 be working with their counsel on that and it would be
7 very clear what the completion dates are, the same way
8 we're going to do Giles County, completion dates and
9 performance (inaudible).

10 MEMBER TAYLOR: Mr. Chairman?

11 CHAIR PORTER: Mr. Taylor.

12 MEMBER TAYLOR: I'm really uncomfortable.
13 Are we getting in the payday loan business?

14 CHAIR PORTER: Well, in most cases I
15 would - I would not be part of this but since they're
16 the last county, that's the only reason that I'm
17 entertaining this. But I can - I see what you're
18 coming at. I --

19 MEMBER TAYLOR: You know, another thing,
20 before I can vote for this I'd like to know that the
21 executive director and counsel and other members of the
22 board has a - a history with the folks, that they're
23 fiscally responsible, that purchases were made properly
24 and - and you know, in the proper quantities and et
25 cetera.

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1 Because obviously I'm green and this is the
2 first shot out of the box. This is totally unorthodox.
3 We haven't ever done anything like this and the board
4 hasn't ever done anything like this.

5 MR. HAYNES: And hopefully will be the last
6 time.

7 MEMBER TAYLOR: You know, 14 years in my
8 district and we've gone through all kinds of situations
9 and I certainly would not want a helping hand turned
10 away, and I certainly don't want to help this district
11 (sic), it's just - there's just a lot of pitfalls here.

12 I'm really concerned about - as a member, I
13 raise the question about: are we going to be inundated
14 with requests after this. And I understand this is the
15 last district across the State of Tennessee and I
16 certainly want to see all Tennesseans served with
17 ENHANCE 911. Please reassure me so that I can vote in
18 the affirmative.

19 CHAIR PORTER: The only thing, Mike, that
20 hit me was is that all of these other counties are
21 either already getting the \$30,000 dispatcher grant or
22 in the process. I mean, they've had the opportunity to
23 do it so it's not like we're giving them something that
24 they - they don't have a - the entitlement to already.
25 It's just that we're kind of --

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1 MR. HAYNES: When you say that, you mean
2 like the last eight 911 districts to come online?

3 CHAIR PORTER: Well, I'm talking about
4 everybody that's - that's eligible for their \$30,000
5 dispatcher grant. They've - they've had that now for
6 what, a year? They've been eligible for that for a
7 year so most of them are already getting their money.

8 He can apply for the grant and get the
9 \$30,000 as a dispatcher grant. We're basically just
10 saying we'd go ahead and give him that. So I - I
11 understand where you're coming from. I mean, I --

12 MEMBER MOODY: Are you saying that this
13 \$30,000, his dispatch - that you're talking about, the
14 dispatcher grant, would be for FY two-oh-five?

15 MR. HAYNES: Well, he would have been -
16 Sequatchie would have been eligible to apply as soon as
17 they went online with the service. So if they went
18 online, which they had planned on at some time in - in
19 fiscal year '05, between - before - between now and
20 June 30th --

21 MEMBER MOODY: So in essence then all
22 you're doing is advancing him the \$30,000 that - in
23 order to help him get online, that had he been online,
24 he would have been due between now and July 1 anyway;
25 is that correct?

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1 MR. HAYNES: Well, I wouldn't call it
2 advancing. I would say agreeing to fore -- It's about
3 special assistance, which is reasonable coming from the
4 board, but in order of fairness to many others involved
5 that you are assisting in this way across the state,
6 there would be a signed agreement they would forego
7 applying for that in their eligibility for year one,
8 which could have started in '05.

9 And I would say to Member --

10 MEMBER MOODY: I see what you're saying.

11 MR. HAYNES: -- Member Taylor's question,
12 we have spent considerable amount of hours in that PSAP
13 already. It does look like the equipment purchased is
14 good --

15 Why don't you come to speak to that? I
16 think - to get that in the record.

17 MR. ANDRICH: Mike supplied us with all the
18 invoices and the equipment lists of equipment that's
19 been purchased up to this point and there's - there's
20 no frills. It's your basic 911 telephony system. And
21 they've done a lot of work they; to find furniture,
22 they've gone and gotten used furniture from another
23 jurisdiction that refurbished some of it to try and
24 save some costs there.

25 He's - we've also reviewed the building

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1 plans for the building and there's - there's absolutely
2 nothing out of the ordinary. It's a basic no frills
3 911 center. We gave him a lot of suggestions of things
4 that he may want to do down the road to - to help it
5 out but it's - it's your basic - basic center.
6 There's - there's nothing that we could see is out of
7 the ordinary or any excessive expenditures so far.

8 MR. TWITTY: And the recommendations that
9 Kimball gave us, we are going down that one by one and
10 the board and myself personally are furnishing the
11 labor, the tools and material to facilitate completing
12 these issues. As Kimball pointed out, if we structure
13 our communication center and then necessitate tearing
14 out a wall or something like that, we damage with dust
15 and everything else what we've constructed.

16 So the recommendation was to go in there
17 early on prior to getting the equipment in and getting
18 all the these issues taken care of, which the board and
19 I have been doing.

20 CHAIR PORTER: Mike, does that help you
21 any?

22 MEMBER TAYLOR: I just - one question for
23 general counsel: is this legal?

24 CHAIR PORTER: Lynn?

25 MS. QUESTELL: I'm sorry?

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1 MEMBER TAYLOR: Is this legal? That this
2 is legal to use the money that was set up for
3 dispatcher grants to - to --

4 MS. QUESTELL: No, it's not legal to use
5 the money for dispatching grants. The money will have
6 to come from somewhere - from some other place.

7 MEMBER TAYLOR: Well, how --

8 MS. QUESTELL: The dispatching grants can
9 only go for dispatching. I mean, we --

10 CHAIR PORTER: But they're not going to
11 apply for the dispatching grant.

12 MS. QUESTELL: Right.

13 CHAIR PORTER: We're - and we're going to
14 give them the \$30,000 to get them online so basically
15 it's a wash.

16 MS. QUESTELL: It's a - it would be a wash
17 but we - we could not take the money from the grant
18 that the state allowed - set up and use it for this.
19 That would not be appropriate. But if we can find that
20 \$30,000 somewhere else in our budget, then that's a
21 different story.

22 MR. HAYNES: Now there is another way to do
23 that and that's just say - if we do want to help -
24 we're going to give you \$30,000 just like we have these
25 other districts. But then we'd probably have Tipton

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1 County, Gibson County, half of Mike Mann's clients, all
2 of them come in and say: I want \$30,000, too. And the
3 only way I think that the board can tighten the
4 parameters on this and even begin to - if - and I know
5 that's a concern of this board, but to begin to justify
6 that is to say in the name of establishing the service,
7 and then it will be a consensual agreement between the
8 two parties that you would forego that first year. And
9 again, keep in mind, we're going to --

10 I've got - I've got counsel over here
11 looking at me. We'll check this out to make sure that
12 everybody thinks it's legal and we'll run it by a
13 couple of attorneys here at the department but --

14 MR. TWITTY: See, I have a --

15 MR. HAYNES: Go ahead, Mike.

16 MR. TWITTY: We're making a mountain out
17 of a mole hill because we're going to get the 30,000.
18 I mean, whether we get it for dispatchers or whether we
19 get it for otherwise.

20 MR. HAYNES: Right.

21 MR. TWITTY: I think in thinking this
22 through and listening to the rebuttal, I think it would
23 behoove me to seek and go before my board and present
24 an issue of going to the bank and getting some type of
25 financial assistance through them.

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1 One of the other issues I heard here
2 today - and I - like I said, I am learning. There is a
3 massive learning curve in doing this. One of the other
4 issues I learned here today was the issue of the
5 Southeastern Tennessee Regional Development Corporation
6 has grant money available. I didn't know that. So
7 what I can do is to petition these arenas and see what
8 I can garner.

9 I was coming to the state today because
10 y'all are my mentors. You give me credibility to -
11 where to place my feet. And it's like I originated in
12 the conversation - the presentation was: your backup to
13 me is critically important because it develops
14 credibility with what I'm doing if you all understand
15 what I'm doing and support what I'm doing.

16 So I think it would be better served for
17 all of us, after listening to this, is for me to go to
18 the Southeastern Regional, see what they can do for me;
19 go to the bank, see what they can do for me and get
20 over this hump that I've got going on right now with
21 MSAG draining me dry. I've got to get that GIS
22 software away from MSAG and get to the point where I
23 can structure it myself. We can do that in-house. I
24 can circumvent that outlay each month by getting the
25 data from them. But I've got to have a computer. I

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1 don't have the money for a computer.

2 MEMBER MOODY: Would it be - I hate to see
3 you say pay the interest to the bank when we're sitting
4 here and all we're dealing with is - is the legal
5 ramifications. Would it be possible for you to get the
6 county to up-front you the \$30,000 so you could get
7 online, and then once you get online you apply for that
8 dispatcher grant and then pay it back?

9 MR. TWITTY: Right, right. Under normal
10 circumstances, yes. I've got a county mayor down there
11 that is just - I couldn't ask for any better situation.
12 But he has a problem with the past mayor who was forced
13 to resign because of the handling of things. And I
14 can't get into the credibility; you can go to the TBI
15 and you can get the actual documented facts but it's -
16 it's just a -- He is in a dilemma. He wants to help me
17 so bad. And I'm in a dilemma because I'm cash strapped
18 now and I'm looking to which direction to go right now,
19 which fork in the road to take, to pursue.

20 I've got so many hats that I'm wearing
21 trying to get this PSAP up and running. Because we are
22 cash strapped, we're doing all the work in-house. The
23 board is doing the work, I'm doing the work, and it's
24 a - and it consumes time.

25 So what I'm going to have to do is go

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1 before my board and give them credibility: all right,
2 we need to relegate this responsibility with the
3 structure of the PSAP and allow me to negotiate with
4 these other organizations, and do the traveling and
5 everything but --

6 MEMBER MOODY: Mr. Chairman, I don't see
7 any problem with this and I'm going to move that we
8 approve the recommendation as stipulated by our
9 executive director. And I'd like to include in there
10 the very fact that we're doing this at this time is
11 simply because he's the last district in this state to
12 go online, and that's why we're doing it.

13 CHAIR PORTER: Do I have a second?

14 MEMBER VICKERS: Second.

15 CHAIR PORTER: We have a motion by Ms.
16 Moody and a second by Johnny Vickers that we approve
17 the executive director's request to do the stipulations
18 he put forth with the \$30,000.

19 MEMBER LOWERY: That puts us online when?

20 CHAIR PORTER: By March 1st. No later than
21 March 1st, I think is what he --

22 MR. ANDRICH: That is - that is doable.
23 That is doable at this point.

24 CHAIR PORTER: Discussion.

25 MEMBER LOWERY: We want to hear that

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1 motion.

2 CHAIR PORTER: Wanda, do you want to try it
3 again or do you want me to try it?

4 MEMBER MOODY: Oh, why don't you go ahead.

5 CHAIR PORTER: Anthony, state it, what you
6 had stated in your original recommendation.

7 MR. HAYNES: That the emergency
8 communications board will provide a special one-time
9 form of financial assistance of no more than \$30,000 to
10 be combined with any and - or any other and all
11 financial resources, revenues, loans, et cetera from
12 the Sequatchie County district for securing a
13 generator, trunks or any other item that may be
14 necessary to go online with E-911 service as soon as
15 possible if the district agrees to forego the
16 eligibility of the first year for rural dispatcher
17 assistance grant, which would be the equivalent of
18 \$30,000.

19 Secondly, they would work with the state
20 board in a consensual relationship to identify a time
21 line and things that are needed for the PSAP in working
22 with the director and working with Kimball and
23 Associates, as well as the state board. That they
24 would also be mindful of the long-term cash needs of
25 the district and address that by agreeing to work with

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1 us to seek a rate increase to be heard by this board as
2 early as March of '05, and then also secure and install
3 generators and all the necessary equipment to go online
4 by the service no later than March 1, 2005.

5 MEMBER MOODY: Mr. --

6 CHAIR PORTER: Go ahead.

7 MEMBER MOODY: I mean, Anthony, I included
8 in with my motion what you had stipulated with an
9 addition and that addition was that the only reason
10 we're doing this is simply to help - this is the last
11 district in the state - to come online.

12 MEMBER BILBREY: Right, and since they are
13 the last and this is for bringing them online, 911
14 online, I believe we may be creating a problem if we
15 bring the dispatch into it, dispatch grant. Why can't
16 we do it without bringing the dispatch grant into it?
17 We can do this, I think, legally.

18 CHAIR PORTER: Oh, yeah, we can - we can do
19 it otherwise.

20 MEMBER BILBREY: But if we tie it to a
21 dispatch grant, we're going to have others coming in
22 here wanting to do the same thing or wanting to borrow
23 or wanting to work that dispatch grant in some way, I'm
24 afraid. That's my only concern.

25 CHAIR PORTER: And I understand your

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1 concern, Charles. My other concern if we don't tie it
2 to something though is that we're giving this county
3 \$30,000 that we didn't give the other eight counties,
4 the other seven of the eight counties that went online.

5 MEMBER BILBREY: That's right, we would
6 be - but still --

7 CHAIR PORTER: Now this way they're - it's
8 a wash; they're not really getting --

9 MEMBER BILBREY: Well, it's a wash but it
10 may come back, too.

11 MEMBER MOODY: But don't you think with the
12 addition that I made, the fact that the only reason why
13 we're doing this is because it's the last district in
14 the state to go online, which in essence says: okay,
15 there are not any other districts in the state in that
16 same category and therefore they wouldn't be eligible
17 for this kind of consideration?

18 MEMBER BILBREY: But it wouldn't keep them
19 from doing it.

20 MEMBER MOODY: Well, I - you can do
21 anything, you know, I mean --

22 MEMBER BILBREY: But the other side of the
23 issue is that we can do - we can - we can do the 911,
24 get the 911 online as the last one but either way, it
25 doesn't - if we're going to have (inaudible).

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1 CHAIR PORTER: Well, Lynn, one more time go
2 on the record: is what we're doing, either way, doing
3 it this way or if we just gave them 30,000, we're legal
4 either way?

5 MS. QUESTELL: The way I look at it is
6 Tennessee Code Annotated 7-86-306(a)10 authorizes you
7 to reimburse or pay for obligations incurred to
8 implement 911.

9 MR. HAYNES: Maintain.

10 MS. QUESTELL: And maintain. And that
11 would authorize you to make this payment. The only
12 thing you cannot do is use the money that - you can't
13 say that you're giving them the rural dispatcher grant
14 to pay this, because the rural dispatcher grant, the
15 state has told us exactly how that can be spent and it
16 can only be spent for rural dispatching.

17 But as long as you separate those two
18 things very, very clearly - I mean, you can ask them to
19 forego that and then it can still be separated from the
20 fact that we're going to step in here and help them
21 under 7-86-306(a)10.

22 CHAIR PORTER: But asking them to forego
23 the grant for a year, is that legal?

24 MS. QUESTELL: Well, as long as they agree
25 to it, I think it's legal. I don't think it's

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1 necessary if you don't choose to do that, but if - I
2 think it's - I think it's legal. We might want to ask
3 the district's attorney.

4 Mike, do you have an opinion on that?

5 MR. MANN: (Shakes head)

6 MS. QUESTELL: No opinion?

7 MR. HAYNES: I'd like to put Mike on the
8 record today. I've heard a lot of criticisms around
9 the state from him about how we do this grant and
10 others, and since he's retained legal counsel for this
11 district, I - I certainly want the benefit of his
12 views. If he thinks this board is about to do
13 something wrong, if its about to overstep its authority
14 in any given area, if he thinks this is bad for the
15 district, I want that here on the record today; I don't
16 want to hear it across the state in hearsay and
17 newsletters in the next six months.

18 I mean, I mean that sincerely, Mike. If
19 you think we're doing something wrong, don't beat me up
20 six months from now to your advantage. Tell me now if
21 you think we're doing something wrong because I'm
22 sincerely interested in doing the right thing.

23 CHAIR PORTER: You want to come up, Mike?

24 Just make sure you talk in the microphone;
25 it's kind of hard to hear.

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1 MR. MANN: Mike Mann, in - in response to
2 the subpoena.

3 Mr. Chairman, I just have one statement: I
4 agree with your counsel.

5 CHAIR PORTER: You agree that we're okay in
6 doing this; is that what you mean?

7 MR. MANN: In the advice that counsel has
8 given, I agree with that.

9 CHAIR PORTER: Okay.

10 MS. QUESTELL: Thank you.

11 MEMBER MOODY: Well, I need some
12 clarification from you, Mike.

13 MR. MANN: Okay.

14 MEMBER MOODY: Are you saying then that we
15 are acting in good faith and are following the law/the
16 statute as it's currently written and you would
17 recommend the action that we're taking?

18 MR. MANN: Now Ms. Wanda, if - ma'am, Ms.
19 Moody Board Member, there's a few questions in there.
20 First, I would agree absolutely this board is acting in
21 good faith and always has and I don't think that's ever
22 been questioned by myself or anybody else that I've
23 heard. And none could disagree that you have an
24 extraordinary - and as I think Mr. Haynes has well
25 stated and documented - unique situation, special

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1 circumstances.

2 But I'm not going to - certainly would not
3 expect to claim that this is precedential, in my view.
4 Now I'm just an attorney that advises our districts as
5 to what options and opportunities they have and try to
6 best interpret your actions to them. So I do think
7 that it is unique, and again, as Ms. Questell said, I
8 do not know - she has really deferred to her totally on
9 the interpretation of the grant restrictions, that
10 aspect of it, but I certainly would not disagree with
11 that at all.

12 CHAIR PORTER: Okay.

13 MR. MANN: I hope that's responsive.

14 MEMBER LOWERY: Would it be better if we
15 just left out that part about the dispatcher grant part
16 of it?

17 MR. HAYNES: Well, you could but then you
18 would have to, I think, be able to look 99 districts in
19 the eye and tell them why you won't be willing to do
20 the same thing for them. And you'd have to argue that
21 it wasn't about establishing service there, but then
22 they could come back and argue to you: well, you gave
23 an extra \$1000 to establish it there, why don't you
24 just go ahead, because we paid for that out of our
25 accounts?

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1 I mean, I was trying to - I was trying to
2 figure out a way that someone couldn't point the finger
3 at Sequatchie and say: look, there's a net gain above
4 and beyond in terms of bottom line cash of what you've
5 done to help them. But I don't know, this thing may be
6 controversial enough -- I mean, everybody's raised some
7 very good points.

8 MR. TWITTY: And that's why I'm saying if
9 you could allow me the time to research the
10 Southeastern Regional, maybe there's something I can do
11 with these people.

12 MR. HAYNES: All right. And I'd also
13 encourage you - you know, we called USDA this morning.

14 MR. TWITTY: Right, right. That would be
15 another --

16 MR. HAYNES: and they offered to have the
17 cash in 60 days.

18 MR. TWITTY: That would be another --

19 MEMBER MOODY: Why don't we just --

20 CHAIR PORTER: You want to withdraw your
21 motion?

22 MEMBER MOODY: Yeah, I was making the
23 motion I'm going to withdraw. Is the second? Who was
24 the second?

25 MEMBER VICKERS: I'll withdraw.

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1 that you might contact your local banks or whatever and
2 tell - you know, tell them you've got \$30,000 coming in
3 March.

4 MR. TWITTY: Right.

5 MEMBER COBB: Will they give you an
6 interest free loan of \$30,000.

7 MR. TWITTY: Right. They're - like I said,
8 these are options that I can take but I'm - as I'm
9 here, I'm learning a great deal, like I said, about
10 different agencies that I can go to - Anthony made the
11 call this morning to the bank - and these are viable
12 issues and all I have to do is go before the board and
13 it will circumvent all of this hoopla that can get
14 y'all in trouble. And I --

15 MS. QUESTELL: Well, let me make sure you
16 understand, Mike, that when you get that \$30,0000
17 dispatcher grant, it can only be used for dispatching.

18 MR. TWITTY: Right, I understand. That's -
19 you know, but that's -- I would rather be - because I
20 will have a problem then funding my dispatchers, but
21 you know, as a matter of getting online, it's an issue
22 of getting me over that initial hump. But I think it
23 can be done easier is what I'm trying to say.

24 CHAIR PORTER: Okay. We need to move on.
25 We've got a motion to withdraw here; we don't have a

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1 motion on the floor. So they'll work with you and
2 we'll -- You work with staff from this point forward.

3 MR. TWITTY: Thank you.

4 CHAIR PORTER: Okay.

5 MR. TWITTY: Mike, thank you.

6 CHAIR PORTER: All right. We have no more
7 items on the agenda except to set our next board
8 meeting. I think it's already set for March - about
9 March the 17th.

10 MEMBER MOODY: March the 17th.

11 CHAIR PORTER: Is that right?

12 MEMBER MOODY: The 17th.

13 MEMBER TAYLOR: 9:00 a.m., March the 17th.

14 CHAIR PORTER: March 17th at 9:00 o'clock.

15 MEMBER TAYLOR: It's on a Thursday.

16 CHAIR PORTER: Did you say you had another
17 one set for May already? May 26th, if I'm not
18 mistaken.

19 MS. QUESTELL: May 26th.

20 CHAIR PORTER: At 9:00 a.m.

21 MEMBER TAYLOR: Thursday also.

22 CHAIR PORTER: Right. I think we decided
23 at the last board meeting Thursdays was our best day to
24 meet.

25 Is there any other business need to come

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1 before the ECB?

2 Mike?

3 MR. MANN: Mr. Chairman, may I just ask the
4 board a question?

5 CHAIR PORTER: Get down and talk in the mic
6 if you don't - so we can hear you.

7 MR. MANN: I've had conversations with your
8 general counsel and the question is this, and
9 particularly concerning the rural dispatcher grant,
10 specifically this came up in relation to the City of La
11 Follette, which has a separate municipal district, 911
12 district, and the --

13 Now I've advised and I think Don has
14 consistently informed us to advise districts that this
15 is - this money has to stay somehow in the
16 communication center, basically, and counties can't use
17 it for general government purposes.

18 And we've had - you know, some strapped
19 governments have tried to or requested to take and
20 divert that money rather than put it in the 911 center.
21 Now the - apparently the city government of La Follette
22 has announced its intention to do just that.

23 And the question came up - and I think Lynn
24 had done some research and Anthony, too, had done some
25 research too about this - as to whether - and I - that

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1 it is the policy of the board that that is a
2 requirement on the use of that money and that we should
3 tell local governments it has to be an --

4 For instance, if we put 30,000 into
5 communications, that their financial support will not,
6 you know, drop by that amount or - or some amount,
7 and - because if that's - you know, if that's the case,
8 I can assure you that there will be numerous districts
9 that will have that money diverted.

10 And we just - I just submit that to you
11 for - if you're able to, hopefully as soon as you can,
12 give us some policy guidance on that because the
13 pressure is on as - you know, as y'all know. And you
14 know, just really looking for some guidance there.

15 MR. HAYNES: Okay. Thank you.

16 CHAIR PORTER: They'll look at it, Mike.

17 Thanks.

18 Anything else that needs to come before the
19 board?

20 MR. RIGGS: Mr. Chairman, I'd like to
21 appreciate the opportunity to correct some information
22 that was given out earlier by Director Haynes that was
23 incorrect in regard with the Bledsoe County situation.

24 CHAIR PORTER: I spoke to him about that,
25 and if you'd talk to him after the meeting, I'd

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1 appreciate it.

2 MR. RIGGS: Well, I'm - I'd like for all
3 the board to hear it because, you know, they're on the
4 assumption that we're doing something that - that has
5 been - that is basically being said is wrong to do.

6 CHAIR PORTER: Go ahead. Make it as brief
7 as possible, okay?

8 MR. RIGGS: I will be very brief.

9 CHAIR PORTER: Okay.

10 MR. RIGGS: These people up here have no
11 service period. When they call 911, they get a
12 recorded message that says that 911 is not available in
13 this service; if you have an emergency dial 0 for the
14 operator. Which as all y'all know, you have to dial
15 two 0's and wait forever for an operator to come
16 online.

17 We went into this agreement wholeheartedly
18 with Bledsoe County to assist these people who came to
19 us for help because they don't have any type of
20 emergency service period. They've been taxed - some of
21 them have been taxed for 12 and 14 years and had the
22 surcharge taken off their phone bills and distributed
23 out to these counties but have no service. And I don't
24 think that what we were doing was a bad thing to do.

25 CHAIR PORTER: Nobody said it was.

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1 MR. RIGGS: Well, he said it was - it was
2 bad to take a call and transfer it over and that --
3 These people have no service at all period. I mean, at
4 least we were giving them some option of doing
5 something. I mean, they - if they called help and hung
6 up, we would get them something out there, even if we
7 had to send - and we have several fire departments that
8 have said they are more than happy to go across the
9 county line and help these people.

10 MR. HAYNES: So the current situation as it
11 is, even you taking the calls, they still don't have
12 any 911 service; they're just getting a recording.

13 MR. RIGGS: Correct. They didn't - they
14 don't get 911 at all.

15 MR. HAYNES: So my understanding was you
16 and Mike Mann have spent months working on an agreement
17 to actually make that happen is being put in - put into
18 the works and about to be signed.

19 MR. RIGGS: It - we're trying to get
20 something --

21 MR. HAYNES: And what I'm trying to do,
22 before you waste a lot of time doing that --

23 And let me point out for the record: nobody
24 said you or anybody else has done anything wrong in
25 this state for 20 years, it's just the way the system

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1 happened, and I pointed that out in my comments. But
2 we have a rare opportunity to try to fix that system,
3 if we look at it and look at it with our eyes open and
4 try to fix it. And that's what was proposed to the
5 board. But what we're proposing is to try to fix this
6 matter before these calls even have to come to you and
7 they shouldn't.

8 MR. RIGGS: But you were saying that
9 they're already coming to me and they weren't.

10 MR. HAYNES: I think as a matter of policy
11 in this state, that tax payors within the county lines
12 should be responded to in the shortest time and the
13 quickest manner that technology permits within that
14 county as possible. I think that's a reasonable
15 expectation. And every time you transfer a call,
16 whether it's from the county seat down to the police
17 department of the county seat - or I should say the
18 district down to the county seat, every time that call
19 goes through another relay or a hand-off or another set
20 of human being's hands, statistically you've just
21 doubled the chance for error.

22 And if that call, let's say Memphis, can
23 come into Roxanne Brown on the first ring, I know I'm
24 glad I don't live in Bellemeade - I kind of wished I
25 did; I wish I had that much money - but at least I know

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1 when my kid dials 911, Roxanne's people's going to
2 answer the phone; it's not going to get transferred to
3 Berry Hill or Bellemeade or somewhere for one thing or
4 another or like any other county.

5 That's all that was said. Charles,
6 nobody's attacked you or anybody else in this county,
7 just said that's the way the system was. But I think
8 you would have to agree if you can take a 911 call from
9 the point of origin and take it directly to a 911
10 response center, one - one set of ring tones, three
11 ring tones, nine seconds, that that should be public
12 policy of how we ideally handle 911 calls, and
13 transferring calls should be a secondary or last
14 option, particularly going across the county line to
15 another jurisdiction and then coming back in.

16 MR. RIGGS: Well, as someone may not know
17 the situation that a lot of times we're already
18 responding to these calls because for them to get up
19 the mountain from Pikeville will take them 30 minutes
20 to get up there. We're already getting help on the way
21 out there.

22 MR. HAYNES: Well, I didn't draw those
23 county lines and God put the mountains there.

24 MR. RIGGS: Yes, sir, I know but --

25 MR. HAYNES: I mean, I'm just trying to fix

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1 the situation, and I got my information straight from
2 Mayor Greg Ridley and BellSouth, so if it's incorrect,
3 I apologize. I'll make sure that it's more accurate
4 next time. But all we're trying to do is to make sure
5 that tax payors in Bledsoe County get their call
6 delivered the first ring cycle to Pikeville and not to
7 Charles Riggs and then back over to Pikeville, and
8 we're going to do that all across the state if it's
9 feasible. It only makes sense. It's the best way to
10 deliver the service.

11 CHAIR PORTER: And Charles, don't let that
12 affect your - you working with Pikeville or with
13 Bledsoe County of having a - a mutual aid agreement
14 that if they want you to respond to some of that calls,
15 that's between y'all but --

16 MR. RIGGS: I mean, we do. I mean, like I
17 said, it takes 30 minutes for them to get an ambulance
18 up the mountain.

19 CHAIR PORTER: Well, this has nothing to do
20 with that. This is going to - just going to send it to
21 the appropriate county, and we've had that problem in -
22 in the upper Cumberland counties for - ever since 911
23 has been in existence and I'm real excited that we
24 might be able to fix that up there, too.

25 MR. RIGGS: But I mean, it seemed like here

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1 I was trying to do something good and I'm getting my
2 hand smacked and said that it was inappropriate to even
3 try to do something like that because it - it would
4 create an error.

5 CHAIR PORTER: I think you took it all
6 wrong, Charles. It was not intended in that way, I
7 don't - I --

8 MR. RIGGS: Did you not say it was in error
9 that - to take that call and transfer it off?

10 MR. HAYNES: I think when we get the
11 transcript back, we can go back and we'll see that it
12 never says it was an error.

13 MR. RIGGS: But it - that you shouldn't do
14 it or --

15 CHAIR PORTER: We don't want to do it
16 unless --

17 MR. HAYNES: I think as a matter of policy,
18 no, and I think you just agreed that if you can deliver
19 that from point A to point B within that county, that's
20 where it should go, not across the county line; is that
21 not right?

22 MR. RIGGS: Correct.

23 MR. HAYNES: Okay.

24 MR. RIGGS: But I was just trying to help
25 some people that had no service at all period.

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1 CHAIR PORTER: And we appreciate that and
2 then we're - we're glad that you did, but if we can
3 work something out to where that call will go to their
4 own county, why, that's the best option. That's all
5 we're saying.

6 MR. RIGGS: I thought it was okay but - and
7 I could have took the opinion that: well, that's in
8 Bledsoe County, let them handle it and let them - you
9 know, and turned them a back, but I was trying to help
10 somebody. And then here it seems like somebody's
11 trying to say that's not right to do.

12 CHAIR PORTER: I assure you that's - that
13 was not the intention.

14 MR. RIGGS: I think it was.

15 CHAIR PORTER: Well, I assure you it wasn't
16 on our part but we can't change that.

17 MEMBER BILBREY: Make a motion to adjourn.
18 Second?

19 CHAIR PORTER: Wait a minute. Whoa, whoa.

20 MEMBER LOWERY: Do we have any rate
21 increases that we granted - I know there's a couple up
22 our way - that haven't been acted on that the
23 sunshine's up or it could be coming up, maybe not up
24 yet.

25 CHAIR PORTER: Do we have any, Don, coming

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1 up before June 30th, 2005?

2 MR. JOHNSON: Yeah, we've had that and
3 we've - the staff has discussed that. I think there's
4 about five of them coming up.

5 CHAIR PORTER: We'd - we look at those in
6 March or May, one of the two.

7 MR. JOHNSON: March or May, yeah.

8 CHAIR PORTER: Okay.

9 MEMBER LOWERY: And that's fine. I've had
10 a couple of them call me wanting to know if we had
11 forgotten about them.

12 CHAIR PORTER: No.

13 MR. JOHNSON: We haven't forgotten.

14 MEMBER MOODY: Could you send us a list of
15 those, Don?

16 MR. JOHNSON: I sure can.

17 MEMBER MOODY: Okay. And - and kind of let
18 us know when their rate increase sunsets.

19 MR. JOHNSON: All of them will be June
20 30th.

21 MEMBER MOODY: Okay.

22 CHAIR PORTER: Of 2005.

23 MR. JOHNSON: 2005.

24 CHAIR PORTER: Any other business needs to
25 come before the board?

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1 (Pause).

2 CHAIR PORTER: Anybody else in the audience
3 got anything?

4 (Pause)

5 CHAIR PORTER: I'll entertain your motion
6 now, Charles.

7 MEMBER BILBREY: Okay.

8 CHAIR PORTER: You have a motion to
9 adjourn.

10 MEMBER BILBREY: I do, yes.

11 CHAIR PORTER: Do I have a second?

12 UNIDENTIFIED SPEAKER: Second

13 CHAIR PORTER: All in favor say aye.

14 THE BOARD: Aye.

15 CHAIR PORTER: Folks, I missed it by 30
16 minutes, sorry.

17 (Whereupon, the meeting of the board was
18 concluded at or about 4:40 o'clock p.m.)

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CERTIFICATE

STATE OF TENNESSEE)

) SS:

COUNTY OF RUTHERFORD)

I, REGINA WHITEHEAD, do hereby certify to the best of my ability that the foregoing, pages 1 to and including 189, is a true and correct transcription of my stenographic notes of the proceedings had before the Emergency Communications Board in Nashville, County of Davidson, State of Tennessee, on the 13th day of January, 2005.

Signed this 28th day of March, 2005.

REGINA WHITEHEAD
Shorthand Reporter

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